

Robert M. Charles, Jr. (State Bar No. 6593)
LEWIS ROCA ROTHGERBER CHRISTIE LLP
3993 Howard Hughes Pkwy, Suite 600
Las Vegas, NV 89169-5996
Tel: 702.949.8320
Fax: 702.949.8298
E-mail: RCharles@LRRC.com

Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA Commercial Mortgage Company,

Debtor.

Chapter 11

Case No.: 06-10725-GWZ

**Notice Of Hearing On Motion Requesting
Instructions As To Remaining Funds of
USACM Liquidating Trust**

Date: July 19, 2018
Time: 10:00 a.m.
Judge: Hon. Gregg W. Zive
Courtroom: 1

PLEASE TAKE NOTICE that the USACM Liquidating Trust, Geoffrey Berman, trustee (the "Trust") has filed a Motion Requesting Instructions As To Remaining Funds of USACM Liquidating Trust [ECF #10029]. The Motion asks the Court to:

- Authorize the payment of unclaimed funds (estimated at \$110,362.46) into the unclaimed funds account of the Clerk of the Court with Exhibit A to the Motion as the required accounting of potential claimants; and
- Authorize the payment of the remaining funds of the Trust (estimated at less than \$123,275.29) to the ABI Endowment Fund or other recipient as directed by the Court as undistributable funds.

NOTICE IS FURTHER GIVEN that if you do not want the court to grant the relief sought in the Motion, or if you want the court to consider your views on the Motion, then you must file an

3993 Howard Hughes Pkwy, Suite 600
Las Vegas, NV 89169-5996

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1 opposition with the court, and serve a copy on the person making the Motion no later than 14 days
 2 preceding the hearing date for the motion, unless an exception applies (see Local Rule
 3 9014(d)(3)). The opposition must state your position, set forth all relevant facts and legal
 4 authority, and be supported by affidavits or declarations that conform to Local Rule 9014(c). If
 5 you object to the relief requested, you must file a WRITTEN response to this pleading with the
 6 court. You must also serve your written response on the person who sent you this notice.

7 If you do not file a written response with the court, or if you do not serve your written
 8 response on the person who sent you this notice, then:

- 9 • The court may *refuse to allow you to speak* at the scheduled hearing; and
- 10 • The court may *rule against you* without formally calling the matter at the hearing.

11 NOTICE IS FURTHER GIVEN that the hearing on the said Motion will be held before a
 12 United States Bankruptcy Judge, on July 19, 2018 at 10:00 a.m., in the C. Clifton Young Federal
 13 Building, 300 Booth Street, Fifth Floor, Courtroom 1, Reno, Nevada 89509.

14 PLEASE TAKE FURTHER NOTICE that this hearing may be continued from time to
 15 time without further notice except for the announcement of any adjourned dates and time at the
 16 above noticed hearing or any adjournment thereof.

17 DATED this 31st day of May, 2018.

18 **LEWIS ROCA ROTHGERBER CHRISTIE LLP**

19 By: s/ Robert M. Charles, Jr.
 20 Robert M. Charles, Jr. (NV Bar No. 6593)
 21 E-mail: rcharles@lrrc.com
 22 Attorneys for USACM Liquidating Trust
 23
 24
 25
 26
 27
 28

3993 Howard Hughes Pkwy, Suite 600
 Las Vegas, NV 89169-5996

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CERTIFICATE OF SERVICE

1. On May 31, 2018, I served the following documents:

Notice of Hearing On Motion Requesting Instructions As To Remaining Funds of USACM Liquidating Trust

2. I served the above-named document by the following means to the persons as listed below:
(Check all that apply)

☒ a. **ECF System** (You must attach the "Notice of Electronic Filing", or list all persons and addresses and attach additional paper if necessary)

MICHELLE L. ABRAMS on behalf of Cross Defendant ROCKLIN/REDDING LLC
mabrams@abramsprobateandplanning.com

MICHELLE L. ABRAMS on behalf of Cross-Claimant ROCKLIN/REDDING LLC
mabrams@abramsprobateandplanning.com

MICHELLE L. ABRAMS on behalf of Interested Party DEBT ACQUISITION COMPANY OF AMERICA V, LLC (aw)
mabrams@abramsprobateandplanning.com

FRANKLIN C. ADAMS on behalf of Creditor JAMES CORISON
franklin.adams@bbklaw.com

D. CHRIS ALBRIGHT on behalf of Creditor MICHAEL and CAROL HEDLUND
dca@albrightstoddard.com, cgrey@albrightstoddard.com

ANDREW K ALPER on behalf of Interested Party DAYCO FUNDING CORPORATION
aalper@frandzel.com, lhernandez@frandzel.com

FRANK A. ANDERSON on behalf of Creditor PENSION BENEFIT GUARANTY CORPORATION
anderson.frank@pbgc.gov, efile@pbgc.gov

DONNA M. ARMENTA on behalf of Creditor HARVEY FAMILY TRUST DATE APRIL 13, 1987
donnanvlegal@outlook.com

ANTHONY W. AUSTIN on behalf of Interested Party USACM LIQUIDATING TRUST
aaustin@fclaw.com, ghardin@fclaw.com

JON MAXWELL BEATTY on behalf of Interested Party USACM LIQUIDATING TRUST
mbeatty@diamondmccarthy.com

JON MAXWELL BEATTY on behalf of Plaintiff USACM LIQUIDATING TRUST
mbeatty@diamondmccarthy.com

KATIE BINDRUP on behalf of Creditor ROY R. VENTURA, JR.
Katie@davidbindrup.com

KELLY J. BRINKMAN on behalf of Creditor GOOLD PATTERSON ALES ROADHOUSE, & DAY

3993 Howard Hughes Pkwy, Suite 600
Las Vegas, NV 89169-5996

Lewis Roca
ROTHGERBER CHRISTIE

1 kbrinkman@gooldpatterson.com, trovere@gooldpatterson.com; jpatterson@gooldpatterson.com

2 KELLY J. BRINKMAN on behalf of Creditor KAREN PETERSEN TYNDALL TRUST
3 kbrinkman@gooldpatterson.com, trovere@gooldpatterson.com; jpatterson@gooldpatterson.com

4 KELLY J. BRINKMAN on behalf of Creditor DANIEL J. OBERLANDER
5 kbrinkman@gooldpatterson.com, trovere@gooldpatterson.com; jpatterson@gooldpatterson.com

6 KELLY J. BRINKMAN on behalf of Creditor LUCIUS BLANCHARD
7 kbrinkman@gooldpatterson.com, trovere@gooldpatterson.com; jpatterson@gooldpatterson.com

8 OGONNA M. BROWN on behalf of Creditor SANTORO FAMILY TRUST UTD 4/29/02
9 obrown@nevadafirm.com,
10 apestonit@nevadafirm.com; oswibies@nevadafirm.com; agandara@nevadafirm.com

11 OGONNA M. BROWN on behalf of Defendant ASHBY USA, LLC
12 obrown@nevadafirm.com,
13 apestonit@nevadafirm.com; oswibies@nevadafirm.com; agandara@nevadafirm.com

14 OGONNA M. BROWN on behalf of Defendant FIESTA DEVELOPMENT, INC.
15 obrown@nevadafirm.com,
16 apestonit@nevadafirm.com; oswibies@nevadafirm.com; agandara@nevadafirm.com

17 OGONNA M. BROWN on behalf of Defendant MONACO DIVERSIFIED CORPORATION
18 obrown@nevadafirm.com,
19 apestonit@nevadafirm.com; oswibies@nevadafirm.com; agandara@nevadafirm.com

20 OGONNA M. BROWN on behalf of Defendant RANDOM DEVELOPMENTS, LLC
21 obrown@nevadafirm.com,
22 apestonit@nevadafirm.com; oswibies@nevadafirm.com; agandara@nevadafirm.com

23 OGONNA M. BROWN on behalf of Defendant ANTHONY MONACO
24 obrown@nevadafirm.com,
25 apestonit@nevadafirm.com; oswibies@nevadafirm.com; agandara@nevadafirm.com

26 OGONNA M. BROWN on behalf of Defendant RICHARD K ASHBY
27 obrown@nevadafirm.com,
28 apestonit@nevadafirm.com; oswibies@nevadafirm.com; agandara@nevadafirm.com

OGONNA M. BROWN on behalf of Defendant SUSAN K MONACO
obrown@nevadafirm.com,
apestonit@nevadafirm.com; oswibies@nevadafirm.com; agandara@nevadafirm.com

JOSHUA J. BRUCKERHOFF on behalf of Plaintiff USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC
jbruckerhoff@rctlegal.com, tstone@rctlegal.com; mmyers@rctlegal.com

ANDREW M. BRUMBY on behalf of Creditor STANDARD PROPERTY DEVELOPMENT,
LLC
abrumby@shutts-law.com, lmackson@shutts-law.com

ANDREW M. BRUMBY on behalf of Defendant STANDARD PROPERTY DEVELOPMENT,
LLC
abrumby@shutts-law.com, lmackson@shutts-law.com

LOUIS M. BUBALA, III on behalf of Creditor BALTES COMPANY

1 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

2 LOUIS M. BUBALA, III on behalf of Creditor CHARLES B. ANDERSON TRUST
3 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

4 LOUIS M. BUBALA, III on behalf of Creditor DEATH VALLEY ACQUISITIONS, LLC
5 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

6 LOUIS M. BUBALA, III on behalf of Creditor ESTATE OF DANIEL TABAS
7 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

8 LOUIS M. BUBALA, III on behalf of Creditor FERTITTA ENTERPRISES, INC.
9 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

10 LOUIS M. BUBALA, III on behalf of Creditor KEHL DEVELOPMENT CORPORATION
11 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

12 LOUIS M. BUBALA, III on behalf of Creditor KEVIN KEHL ITF ANDREW KEHL
13 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

14 LOUIS M. BUBALA, III on behalf of Creditor KEVIN KEHL ITF SUSAN L. KEHL
15 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

16 LOUIS M. BUBALA, III on behalf of Creditor MOJAVE CANYON INC.
17 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

18 LOUIS M. BUBALA, III on behalf of Creditor RITA P. ANDERSON TRUST
19 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

20 LOUIS M. BUBALA, III on behalf of Creditor WARREN HOFFMAN FAMILY
21 INVESTMENTS, LP
22 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

23 LOUIS M. BUBALA, III on behalf of Creditor CHRISTINA "TINA" M KEHL
24 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

25 LOUIS M. BUBALA, III on behalf of Creditor CHRISTINA M. KEHL
26 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

27 LOUIS M. BUBALA, III on behalf of Creditor CYNTHIA A. WINTER
28 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

LOUIS M. BUBALA, III on behalf of Creditor DANIEL J. KEHL
lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

LOUIS M. BUBALA, III on behalf of Creditor JOHN L. ANDERSEN
lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

LOUIS M. BUBALA, III on behalf of Creditor JUDY A. BONNET
lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

LOUIS M. BUBALA, III on behalf of Creditor KEVIN A. KEHL
lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

LOUIS M. BUBALA, III on behalf of Creditor KEVIN A. MCKEE
lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

1 LOUIS M. BUBALA, III on behalf of Creditor KRYSTINA L. KEHL
2 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

3 LOUIS M. BUBALA, III on behalf of Creditor PATRICK J. ANGLIN
4 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

5 LOUIS M. BUBALA, III on behalf of Creditor ROBERT A. KEHL
6 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

7 LOUIS M. BUBALA, III on behalf of Creditor RUTH ANN KEHL
8 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

9 LOUIS M. BUBALA, III on behalf of Plaintiff KEHL DEVELOPMENT CORPORATION
10 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

11 LOUIS M. BUBALA, III on behalf of Plaintiff WARREN HOFFMAN FAMILY
12 INVESTMENTS, LP

13 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

14 LOUIS M. BUBALA, III on behalf of Plaintiff ANDREW R. KEHL
15 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

16 LOUIS M. BUBALA, III on behalf of Plaintiff CHRISTINA "TINA" M KEHL
17 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

18 LOUIS M. BUBALA, III on behalf of Plaintiff CHRISTINA M. KEHL
19 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

20 LOUIS M. BUBALA, III on behalf of Plaintiff CYNTHIA A. WINTER
21 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

22 LOUIS M. BUBALA, III on behalf of Plaintiff DANIEL J. KEHL
23 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

24 LOUIS M. BUBALA, III on behalf of Plaintiff JUDY A. BONNET
25 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

26 LOUIS M. BUBALA, III on behalf of Plaintiff KEVIN A. KEHL
27 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

28 LOUIS M. BUBALA, III on behalf of Plaintiff KEVIN A. MCKEE
29 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

30 LOUIS M. BUBALA, III on behalf of Plaintiff KRYSTINA L. KEHL
31 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

32 LOUIS M. BUBALA, III on behalf of Plaintiff PAMELA J. MCKEE
33 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

34 LOUIS M. BUBALA, III on behalf of Plaintiff PATRICK J. ANGLIN
35 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

36 LOUIS M. BUBALA, III on behalf of Plaintiff ROBERT A. KEHL
37 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

3993 Howard Hughes Pkwy, Suite 600
Las Vegas, NV 89169-5996

Lewis Roca
ROTHGERBER CHRISTIE

1 LOUIS M. BUBALA, III on behalf of Plaintiff ROBERT J. KEHL
lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

2 LOUIS M. BUBALA, III on behalf of Plaintiff RUTH ANN KEHL
3 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

4 LOUIS M. BUBALA, III on behalf of Plaintiff SUSAN L. KEHL
5 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

6 MATTHEW Q. CALLISTER on behalf of Interested Party CURTIS F CLARK
7 mqc@call-law.com, mbisson@call-law.com; jclv@call-law.com; mcox@call-law.com; rebekah@callcallister.com

8 CANDACE C CARLYON on behalf of Creditor WELLS FARGO BANK OF NEVADA AND
9 WELLS FARGO BANK
ccarlyon@clarkhill.com,
CRobertson@clarkhill.com; nrodriguez@clarkhill.com; mcarlyon@clarkhill.com

10 CANDACE C CARLYON on behalf of Creditor Committee OFFICIAL COMMITTEE OF
11 EQUITY SECURITY HOLDERS OF USA CAPITAL FIRST TRUST DEED FUND, LLC
ccarlyon@clarkhill.com,
CRobertson@clarkhill.com; nrodriguez@clarkhill.com; mcarlyon@clarkhill.com

12 MICHAEL W. CARMEL
13 michael@mcarmellaw.com, ritkin@steptoe.com

14 MICHAEL W. CHEN on behalf of Creditor HSBC AUTO FINANCE
15 bknotice@mccarthyholthus.com,
mchen@ecf.courtdrive.com; nvbkcourt@mccarthyholthus.com; mchen@mccarthyholthus.com

16 MICHAEL W. CHEN on behalf of Creditor Margarita Jung
17 bknotice@mccarthyholthus.com,
mchen@ecf.courtdrive.com; nvbkcourt@mccarthyholthus.com; mchen@mccarthyholthus.com

18 KEVIN B. CHRISTENSEN on behalf of Creditor ROSEBERRY FAMILY LP
19 kbc@cjmlv.com

20 KEVIN B. CHRISTENSEN on behalf of Creditor RICHARD G WORTHEN
kbc@cjmlv.com

21 JANET L. CHUBB on behalf of Creditor BALTES COMPANY
22 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

23 JANET L. CHUBB on behalf of Creditor CHARLES B. ANDERSON TRUST
lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

24 JANET L. CHUBB on behalf of Creditor DEATH VALLEY ACQUISITIONS, LLC
25 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

26 JANET L. CHUBB on behalf of Creditor ESTATE OF DANIEL TABAS
lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

27 JANET L. CHUBB on behalf of Creditor FERTITTA ENTERPRISES, INC.
28 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

JANET L. CHUBB on behalf of Creditor JUDITH L. FOUNTAIN IRREVOCABLE TRUST

1 DATED 8/26/97

2 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

3 JANET L. CHUBB on behalf of Creditor KEHL DEVELOPMENT CORPORATION

4 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

5 JANET L. CHUBB on behalf of Creditor KEVIN KEHL ITF ANDREW KEHL

6 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

7 JANET L. CHUBB on behalf of Creditor KEVIN KEHL ITF SUSAN L. KEHL

8 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

9 JANET L. CHUBB on behalf of Creditor MOJAVE CANYON INC.

10 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

11 JANET L. CHUBB on behalf of Creditor RITA P. ANDERSON TRUST

12 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

13 JANET L. CHUBB on behalf of Creditor WARREN HOFFMAN FAMILY INVESTMENTS, LP

14 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

15 JANET L. CHUBB on behalf of Creditor CHRISTINA "TINA" M KEHL

16 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

17 JANET L. CHUBB on behalf of Creditor CHRISTINA M. KEHL

18 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

19 JANET L. CHUBB on behalf of Creditor CYNTHIA A. WINTER

20 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

21 JANET L. CHUBB on behalf of Creditor DANIEL J. KEHL

22 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

23 JANET L. CHUBB on behalf of Creditor JOSEPH AND LORETTA DONNOLO

24 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

25 JANET L. CHUBB on behalf of Creditor JOSEPH AND LORETTA DONNOLO

26 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

27 JANET L. CHUBB on behalf of Creditor JUDY A. BONNET

28 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

JANET L. CHUBB on behalf of Creditor KEVIN A. KEHL

lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

JANET L. CHUBB on behalf of Creditor KEVIN A. MCKEE

lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

JANET L. CHUBB on behalf of Creditor KRYSTINA L. KEHL

lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

JANET L. CHUBB on behalf of Creditor LOU O. MALDONADO

lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

JANET L. CHUBB on behalf of Creditor PATRICK J. ANGLIN

lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

3993 Howard Hughes Pkwy, Suite 600
Las Vegas, NV 89169-5996

Lewis Roca
ROTHGERBER CHRISTIE

JANET L. CHUBB on behalf of Creditor ROBERT A. KEHL
lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

JANET L. CHUBB on behalf of Creditor RUTH ANN KEHL
lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

JANET L. CHUBB on behalf of Defendant ROBERT J. AND RUTH A. KEHL
lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

JANET L. CHUBB on behalf of Interested Party DIRECT LENDERS-BENEFICIARIES
lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

JANET L. CHUBB on behalf of Interested Party DIRECT LENDERS-BENEFICIARIES
lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

JANET L. CHUBB on behalf of Interested Party KEHL FAMILY
lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

JANET L. CHUBB on behalf of Plaintiff KEHL DEVELOPMENT CORPORATION
lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

JANET L. CHUBB on behalf of Plaintiff WARREN HOFFMAN FAMILY INVESTMENTS, LP
lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

JANET L. CHUBB on behalf of Plaintiff ANDREW R. KEHL
lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

JANET L. CHUBB on behalf of Plaintiff CHRISTINA "TINA" M KEHL
lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

JANET L. CHUBB on behalf of Plaintiff CHRISTINA M. KEHL
lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

JANET L. CHUBB on behalf of Plaintiff CYNTHIA A. WINTER
lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

JANET L. CHUBB on behalf of Plaintiff DANIEL J. KEHL
lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

JANET L. CHUBB on behalf of Plaintiff JUDY A. BONNET
lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

JANET L. CHUBB on behalf of Plaintiff KEVIN A. KEHL
lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

JANET L. CHUBB on behalf of Plaintiff KEVIN A. MCKEE
lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

JANET L. CHUBB on behalf of Plaintiff KRYSTINA L. KEHL
lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

JANET L. CHUBB on behalf of Plaintiff PAMELA J. MCKEE
lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

JANET L. CHUBB on behalf of Plaintiff PATRICK J. ANGLIN

3993 Howard Hughes Pkwy, Suite 600
Las Vegas, NV 89169-5996

Lewis Roca
ROTHGERBER CHRISTIE

1 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

2 JANET L. CHUBB on behalf of Plaintiff ROBERT A. KEHL
3 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

4 JANET L. CHUBB on behalf of Plaintiff ROBERT J. KEHL
5 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

6 JANET L. CHUBB on behalf of Plaintiff RUTH ANN KEHL
7 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

8 JANET L. CHUBB on behalf of Plaintiff SUSAN L. KEHL
9 lbubala@kcnvlaw.com, mmarsh@kcnvlaw.com; cbyrne@kcnvlaw.com

10 ANTHONY CIULLA on behalf of Defendant BOISE/GOWEN 93, LLC
11 aciulla@deanerlaw.com, ddickinson@deanerlaw.com

12 ANTHONY CIULLA on behalf of Defendant COPPER SAGE COMMERCE CENTER, LLC
13 aciulla@deanerlaw.com, ddickinson@deanerlaw.com

14 ANTHONY CIULLA on behalf of Defendant DER NV INVESCO, LLC
15 aciulla@deanerlaw.com, ddickinson@deanerlaw.com

16 ANTHONY CIULLA on behalf of Defendant FREEWAY 101 USA INVESTORS, LLC
17 aciulla@deanerlaw.com, ddickinson@deanerlaw.com

18 ANTHONY CIULLA on behalf of Defendant FWY 101 LOOP RAR INVESTMENT, LLC
19 aciulla@deanerlaw.com, ddickinson@deanerlaw.com

20 ANTHONY CIULLA on behalf of Defendant RUSSELL A D DEVELOPMENT GROUP, LLC
21 aciulla@deanerlaw.com, ddickinson@deanerlaw.com

22 ANTHONY CIULLA on behalf of Defendant SVRB INVESTMENTS, LLC
23 aciulla@deanerlaw.com, ddickinson@deanerlaw.com

24 ANTHONY CIULLA on behalf of Defendant DEBORAH RUSSELL
25 aciulla@deanerlaw.com, ddickinson@deanerlaw.com

26 ANTHONY CIULLA on behalf of Defendant ROBERT A RUSSELL
27 aciulla@deanerlaw.com, ddickinson@deanerlaw.com

28 DAVID A. COLVIN on behalf of Defendant AURORA INVESTMENTS LP
29 dcolvin@lvpaiute.com

30 DAVID A. COLVIN on behalf of Defendant BROUWERS FAMILY LP
31 dcolvin@lvpaiute.com

32 DAVID A. COLVIN on behalf of Defendant FIRST SAVINGS BANK FBO VALLIERA
33 MCGUIRE
34 dcolvin@lvpaiute.com

35 DAVID A. COLVIN on behalf of Defendant FRANCIS FAMILY TRUST
36 dcolvin@lvpaiute.com

37 DAVID A. COLVIN on behalf of Defendant JWB INVESTMENTS, INC.
38 dcolvin@lvpaiute.com

1 DAVID A. COLVIN on behalf of Defendant MORNINGSIDE HOMES, INC.
2 dcolvin@lvpaiute.com

3 DAVID A. COLVIN on behalf of Defendant PAUL BLOCH LIVING TRUST
4 dcolvin@lvpaiute.com

5 DAVID A. COLVIN on behalf of Defendant SIMON FAMILY TRUST
6 dcolvin@lvpaiute.com

7 DAVID A. COLVIN on behalf of Defendant JENNIFER MIDDLETON
8 dcolvin@lvpaiute.com

9 DAVID A. COLVIN on behalf of Defendant LARRY C JOHNS
10 dcolvin@lvpaiute.com

11 DAVID A. COLVIN on behalf of Defendant LARRY J MIDDLETON
12 dcolvin@lvpaiute.com

13 DAVID A. COLVIN on behalf of Defendant LINDA JANOVITCH
14 dcolvin@lvpaiute.com

15 DAVID A. COLVIN on behalf of Defendant MARY L JOHNS
16 dcolvin@lvpaiute.com

17 DAVID A. COLVIN on behalf of Defendant ROBERT M PORTNOFF
18 dcolvin@lvpaiute.com

19 DAVID A. COLVIN on behalf of Defendant SARAH PORTNOFF
20 dcolvin@lvpaiute.com

21 DAVID A. COLVIN on behalf of Defendant STEVEN JANOVITCH
22 dcolvin@lvpaiute.com

23 DAVID A. COLVIN on behalf of Defendant STEVEN PORTNOFF
24 dcolvin@lvpaiute.com

25 WILLIAM D COPE on behalf of Creditor COPE & GUERRA
26 william@copebklaw.com, r64042@notify.bestcase.com

27 WILLIAM D COPE on behalf of Creditor LESTER AVILA
28 william@copebklaw.com, r64042@notify.bestcase.com

CICI CUNNINGHAM on behalf of Creditor HIGHLAND CRUSADER FUND, LTD.
ciciesq@cox.net

CICI CUNNINGHAM on behalf of Creditor ML CBO IV (CAYMAN) LTD.
ciciesq@cox.net

CICI CUNNINGHAM on behalf of Creditor PAM CAPITAL FUNDING, L.P.
ciciesq@cox.net

CICI CUNNINGHAM on behalf of Creditor PAMCO CAYMAN, LTD.
ciciesq@cox.net

CICI CUNNINGHAM on behalf of Creditor PCMG TRADING PARTNERS XXII, L.P.

1 ciciesq@cox.net

2 CICI CUNNINGHAM on behalf of Creditor PROSPECT HIGH INCOME FUND
3 ciciesq@cox.net

4 J CRAIG DEMETRAS on behalf of Creditor PAUL LINNEY
5 mail@demetras-oneill.com

6 ALLAN B. DIAMOND on behalf of Creditor Committee OFFICIAL COMMITTEE OF
7 UNSECURED CREDITORS FOR USA COMMERCIAL MORTGAGE COMPANY
8 adiamond@diamondmccarthy.com

9 ALLAN B. DIAMOND on behalf of Interested Party USACM LIQUIDATING TRUST
10 adiamond@diamondmccarthy.com

11 ALLAN B. DIAMOND on behalf of Plaintiff USA CAPITAL DIVERSIFIED TRUST DEED
12 FUND LLC
13 adiamond@diamondmccarthy.com

14 ALLAN B. DIAMOND on behalf of Plaintiff USA CAPITAL DIVERSIFIED TRUST DEED
15 FUND, LLC
16 adiamond@diamondmccarthy.com

17 ALLAN B. DIAMOND on behalf of Plaintiff USA CAPITAL FIRST TRUST DEED FUND,
18 LLC
19 adiamond@diamondmccarthy.com

20 ALLAN B. DIAMOND on behalf of Plaintiff USACM LIQUIDATING TRUST
21 adiamond@diamondmccarthy.com

22 BRADLEY PAUL ELLEY on behalf of Creditor RETIREMENT ACCOUNTS, INC.
23 bpelleylawbk@sbcglobal.net, elnivnv@sbcglobal.net

24 BRADLEY PAUL ELLEY on behalf of Creditor TESSERACT TRUST DATED 3/31/04
25 bpelleylawbk@sbcglobal.net, elnivnv@sbcglobal.net

26 FRANK A ELLIS, III on behalf of Creditor ANDREW WELCHER
27 fellis@lvbusinesslaw.com, laurenc@lvbusinesslaw.com

28 THOMAS H. FELL on behalf of Attorney GORDON & SILVER, LTD.
29 tfell@fclaw.com, clandis@fclaw.com

30 THOMAS H. FELL on behalf of Creditor BUCKALEW TRUST
31 tfell@fclaw.com, clandis@fclaw.com

32 THOMAS H. FELL on behalf of Creditor Committee OFFICIAL COMMITTEE OF
33 EXECUTORY CONTRACT HOLDERS OF USA COMMERCIAL MORTGAGE COMPANY
34 tfell@fclaw.com, clandis@fclaw.com

35 SCOTT D. FLEMING on behalf of Creditor GEORGE GAGE TRUST DATED 10-8-99
36 sfleming@knevada.com, mbarnes@knevada.com, bankruptcy@knevada.com

37 SCOTT D. FLEMING on behalf of Creditor LOS VALLES LAND & GOLF, LLC
38 sfleming@knevada.com, mbarnes@knevada.com, bankruptcy@knevada.com

39 SCOTT D. FLEMING on behalf of Creditor GEORGE & MIRIAM GAGE

sfleming@klnevada.com, mbarnes@klnevada.com; bankruptcy@klnevada.com

SCOTT D. FLEMING on behalf of Interested Party BANK OF AMERICA
sfleming@klnevada.com, mbarnes@klnevada.com; bankruptcy@klnevada.com

SCOTT D. FLEMING on behalf of Plaintiff SPECTRUM FINANCIAL GROUP
sfleming@klnevada.com, mbarnes@klnevada.com; bankruptcy@klnevada.com

SCOTT D. FLEMING on behalf of Plaintiff ROLAND WEDDELL
sfleming@klnevada.com, mbarnes@klnevada.com; bankruptcy@klnevada.com

GREGORY E GARMAN on behalf of Creditor Committee OFFICIAL COMMITTEE OF
EQUITY SECURITY HOLDERS OF USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC
ggarman@gtg.legal, bknotices@gtg.legal

GREGORY E GARMAN on behalf of Creditor Committee OFFICIAL COMMITTEE OF
EXECUTORY CONTRACT HOLDERS OF USA COMMERCIAL MORTGAGE COMPANY
ggarman@gtg.legal, bknotices@gtg.legal

GREGORY E GARMAN on behalf of Creditor Committee OFFICIAL COMMITTEE OF
HOLDERS EXECUTORY CONTRACT RIGHTS THRU USA COMMERCIAL MTG CO
ggarman@gtg.legal, bknotices@gtg.legal

DOUGLAS D. GERRARD on behalf of Counter-Claimant SALVATORE J REALE
DGERRARD@GERRARD-COX.COM, KGonzales@Gerrard-Cox.com; KJohnson@Gerrard-Cox.com; FBiedermann@Gerrard-Cox.com; NHenderson@Gerrard-Cox.com; EMedellin@Gerrard-Cox.com

DOUGLAS D. GERRARD on behalf of Cross Defendant SALVATORE J REALE
DGERRARD@GERRARD-COX.COM, KGonzales@Gerrard-Cox.com; KJohnson@Gerrard-Cox.com; FBiedermann@Gerrard-Cox.com; NHenderson@Gerrard-Cox.com; EMedellin@Gerrard-Cox.com

DOUGLAS D. GERRARD on behalf of Cross-Claimant SALVATORE J REALE
DGERRARD@GERRARD-COX.COM, KGonzales@Gerrard-Cox.com; KJohnson@Gerrard-Cox.com; FBiedermann@Gerrard-Cox.com; NHenderson@Gerrard-Cox.com; EMedellin@Gerrard-Cox.com

DOUGLAS D. GERRARD on behalf of Defendant SALVATORE J REALE
DGERRARD@GERRARD-COX.COM, KGonzales@Gerrard-Cox.com; KJohnson@Gerrard-Cox.com; FBiedermann@Gerrard-Cox.com; NHenderson@Gerrard-Cox.com; EMedellin@Gerrard-Cox.com

WADE B. GOCHNOUR on behalf of Creditor LIBERTY BANK
wade.gochnour@cityofhenderson.com,
karen.wiehl@cityofhenderson.com, laura.kopanski@cityofhenderson.com

WADE B. GOCHNOUR on behalf of Interested Party LIBERTY BANK
WBG@h2law.com, karen.wiehl@cityofhenderson.com, laura.kopanski@cityofhenderson.com

CARLOS A. GONZALEZ on behalf of Creditor PENSION BENEFIT GUARANTY
CORPORATION
Darlene.Ruckard@usdoj.gov, Mary.Booker@usdoj.gov, doriayn.olivarra@usdoj.gov, sue.knight@usdoj.gov,

3993 Howard Hughes Pkwy, Suite 600
Las Vegas, NV 89169-5996

Lewis Roca
ROTHGERBER CHRISTIE

CARLOS A. GONZALEZ on behalf of Interested Party UNITED STATES OF AMERICA
Darlene.Ruckard@usdoj.gov, Mary.Booker@usdoj.gov, doriayn.olivarra@usdoj.gov, sue.knight@usdoj.gov,

GERALD M GORDON on behalf of Creditor Committee OFFICIAL COMMITTEE OF
EXECUTORY CONTRACT HOLDERS OF USA COMMERCIAL MORTGAGE COMPANY
ggordon@gtg.legal, bknotices@gtg.legal

GERALD M GORDON on behalf of Creditor Committee OFFICIAL COMMITTEE OF
HOLDERS EXECUTORY CONTRACT RIGHTS THRU USA COMMERCIAL MTG CO
ggordon@gtg.legal, bknotices@gtg.legal

GERALD M GORDON on behalf of Defendant HMA SALES LLC
ggordon@gtg.legal, bknotices@gtg.legal

R. VAUGHN GOURLEY on behalf of Creditor GATEWAY STONE ASSOCIATES, LLC
vgourley@sgblawfirm.com

R. VAUGHN GOURLEY on behalf of Creditor STANDARD PROPERTY DEVELOPMENT,
LLC
vgourley@sgblawfirm.com

R. VAUGHN GOURLEY on behalf of Defendant GATEWAY STONE ASSOCIATES, LLC
vgourley@sgblawfirm.com

TALITHA B. GRAY KOZLOWSKI on behalf of Creditor Committee OFFICIAL COMMITTEE
OF EXECUTORY CONTRACT HOLDERS OF USA COMMERCIAL MORTGAGE
COMPANY
tgray@gtg.legal, bknotices@gtg.legal

TALITHA B. GRAY KOZLOWSKI on behalf of Creditor Committee OFFICIAL COMMITTEE
OF HOLDERS EXECUTORY CONTRACT RIGHTS THRU USA COMMERCIAL MTG CO
tgray@gtg.legal, bknotices@gtg.legal

TALITHA B. GRAY KOZLOWSKI on behalf of Defendant HMA SALES LLC
tgray@gtg.legal, bknotices@gtg.legal

JAMES D. GREENE on behalf of Creditor CAPITAL CROSSING BANK
jgreene@greeneinfusolaw.com,
fritchie@greeneinfusolaw.com; kfarney@greeneinfusolaw.com; cwalton@greeneinfusolaw.com

JAMES D. GREENE on behalf of Creditor PLATINUM PROPERTIES 1, INC.
jgreene@greeneinfusolaw.com,
fritchie@greeneinfusolaw.com; kfarney@greeneinfusolaw.com; cwalton@greeneinfusolaw.com

JAMES D. GREENE on behalf of Creditor SB INVESTORS
jgreene@greeneinfusolaw.com,
fritchie@greeneinfusolaw.com; kfarney@greeneinfusolaw.com; cwalton@greeneinfusolaw.com

JAMES D. GREENE on behalf of Cross-Claimant PLATINUM PROPERTIES 1, INC.
jgreene@greeneinfusolaw.com,
fritchie@greeneinfusolaw.com; kfarney@greeneinfusolaw.com; cwalton@greeneinfusolaw.com

MARK H. GUNDERSON on behalf of Creditor SPECTRUM FINANCIAL GROUP
cstockwell@gundersonlaw.com

1 PETER W. GUYON on behalf of Cross Defendant GREAT WHITE INVESTMENTS, NV, INC.
pguyon@yahoo.com

2 PETER W. GUYON on behalf of Cross Defendant JAYEM FAMILY LTD PARTNERSHIP
pguyon@yahoo.com

4 PETER W. GUYON on behalf of Cross Defendant R&N REAL ESTATE INVESTMENTS
pguyon@yahoo.com

5 PETER W. GUYON on behalf of Cross Defendant R.G.T. MILLER (TRUSTEE)
pguyon@yahoo.com

7 PETER W. GUYON on behalf of Cross Defendant AIMEE KEARNS
pguyon@yahoo.com

8 PETER W. GUYON on behalf of Cross Defendant ARLENE KRAUS
pguyon@yahoo.com

10 PETER W. GUYON on behalf of Cross Defendant BERNARD KRAUS
pguyon@yahoo.com

11 PETER W. GUYON on behalf of Cross Defendant BETTY PHENIX
pguyon@yahoo.com

13 PETER W. GUYON on behalf of Cross Defendant BOB ALUM
pguyon@yahoo.com

14 PETER W. GUYON on behalf of Cross Defendant DAVID STIBOR
pguyon@yahoo.com

15 PETER W. GUYON on behalf of Cross Defendant DENNIS F. SIPIORSKI
pguyon@yahoo.com

16 PETER W. GUYON on behalf of Cross Defendant FRANK J. BELMONTE, JR.
pguyon@yahoo.com

18 PETER W. GUYON on behalf of Cross Defendant GARY BRENNAN
pguyon@yahoo.com

19 PETER W. GUYON on behalf of Cross Defendant HARV GASTALDI
pguyon@yahoo.com

20 PETER W. GUYON on behalf of Cross Defendant JACQUES M. MASSA
pguyon@yahoo.com

21 PETER W. GUYON on behalf of Cross Defendant JASON G LANDESS
pguyon@yahoo.com

22 PETER W. GUYON on behalf of Cross Defendant JEAN JACQUES BERTHELOT
pguyon@yahoo.com

23 PETER W. GUYON on behalf of Cross Defendant JOSEPH B. LAFAYETTE
pguyon@yahoo.com

24 PETER W. GUYON on behalf of Cross Defendant KENNETH TRECHT
pguyon@yahoo.com

3993 Howard Hughes Pkwy, Suite 600
Las Vegas, NV 89169-5996

Lewis Roca
ROTHGERBER CHRISTIE

1 PETER W. GUYON on behalf of Cross Defendant KLAUS KOPF
2 pguyon@yahoo.com

3 PETER W. GUYON on behalf of Cross Defendant PAUL BRUGGEMANS
4 pguyon@yahoo.com

5 PETER W. GUYON on behalf of Cross Defendant ROBERT J. VERCHOTA
6 pguyon@yahoo.com

7 PETER W. GUYON on behalf of Cross Defendant RUSSELL J. ZUARDO
8 pguyon@yahoo.com

9 PETER W. GUYON on behalf of Cross Defendant STEVE WALTERS
10 pguyon@yahoo.com

11 PETER W. GUYON on behalf of Cross Defendant SVEN LEVIN
12 pguyon@yahoo.com

13 PETER W. GUYON on behalf of Cross Defendant VINCENT GREEN
14 pguyon@yahoo.com

15 PETER W. GUYON on behalf of Cross Defendant WILLIAM F ERRINGTON
16 pguyon@yahoo.com

17 PETER W. GUYON on behalf of Defendant GREAT WHITE INVESTMENTS, NV, INC.
18 pguyon@yahoo.com

19 PETER W. GUYON on behalf of Defendant JAYEM FAMILY LTD PARTNERSHIP
20 pguyon@yahoo.com

21 PETER W. GUYON on behalf of Defendant R&N REAL ESTATE INVESTMENTS
22 pguyon@yahoo.com

23 PETER W. GUYON on behalf of Defendant R.G.T. MILLER (TRUSTEE)
24 pguyon@yahoo.com

25 PETER W. GUYON on behalf of Defendant AIMEE KEARNS
26 pguyon@yahoo.com

27 PETER W. GUYON on behalf of Defendant ARLENE KRAUS
28 pguyon@yahoo.com

PETER W. GUYON on behalf of Defendant BERNARD KRAUS
pguyon@yahoo.com

PETER W. GUYON on behalf of Defendant BETTY PHENIX
pguyon@yahoo.com

PETER W. GUYON on behalf of Defendant BOB ALUM
pguyon@yahoo.com

PETER W. GUYON on behalf of Defendant DAVID STIBOR
pguyon@yahoo.com

PETER W. GUYON on behalf of Defendant DENNIS F. SIPIORSKI

pguyon@yahoo.com

PETER W. GUYON on behalf of Defendant FRANK J. BELMONTE, JR.
pguyon@yahoo.com

PETER W. GUYON on behalf of Defendant GARY BRENNAN
pguyon@yahoo.com

PETER W. GUYON on behalf of Defendant HARV GASTALDI
pguyon@yahoo.com

PETER W. GUYON on behalf of Defendant JACQUES M. MASSA
pguyon@yahoo.com

PETER W. GUYON on behalf of Defendant JASON G LANDESS
pguyon@yahoo.com

PETER W. GUYON on behalf of Defendant JEAN JACQUES BERTHELOT
pguyon@yahoo.com

PETER W. GUYON on behalf of Defendant JOSEPH B. LAFAYETTE
pguyon@yahoo.com

PETER W. GUYON on behalf of Defendant KENNETH TRECHT
pguyon@yahoo.com

PETER W. GUYON on behalf of Defendant KLAUS KOPF
pguyon@yahoo.com

PETER W. GUYON on behalf of Defendant PAUL BRUGGEMANS
pguyon@yahoo.com

PETER W. GUYON on behalf of Defendant ROBERT J. VERCHOTA
pguyon@yahoo.com

PETER W. GUYON on behalf of Defendant RUSSELL J. ZUARDO
pguyon@yahoo.com

PETER W. GUYON on behalf of Defendant STEVE WALTERS
pguyon@yahoo.com

PETER W. GUYON on behalf of Defendant SVEN LEVIN
pguyon@yahoo.com

PETER W. GUYON on behalf of Defendant VINCENT GREEN
pguyon@yahoo.com

PETER W. GUYON on behalf of Defendant WILLIAM F ERRINGTON
pguyon@yahoo.com

XANNA R. HARDMAN on behalf of Creditor ROSEBERRY FAMILY LP
xhardman@utah.gov

XANNA R. HARDMAN on behalf of Creditor RICHARD G WORTHEN
xhardman@utah.gov

3993 Howard Hughes Pkwy, Suite 600
Las Vegas, NV 89169-5996

Lewis Roca
ROTHGERBER CHRISTIE

STEPHEN R HARRIS on behalf of Creditor FRANK SNOPKO
steve@harrislawreno.com, hannah@harrislawreno.com; norma@harrislawreno.com

STEPHEN R HARRIS on behalf of Defendant ROCKLIN/REDDING LLC
steve@harrislawreno.com, hannah@harrislawreno.com; norma@harrislawreno.com

STEPHEN R HARRIS on behalf of Interested Party ROCKLIN/REDDING LLC
steve@harrislawreno.com, hannah@harrislawreno.com; norma@harrislawreno.com

JEFFREY L HARTMAN on behalf of Creditor DOUGLAS CARSON
notices@bankruptcyreno.com, sji@bankruptcyreno.com

JEFFREY L HARTMAN on behalf of Interested Party THE MACDONALD CENTER FOR
 ARTS AND HUMANITIES
notices@bankruptcyreno.com, sji@bankruptcyreno.com

BRIGID M. HIGGINS on behalf of Creditor Committee OFFICIAL COMMITTEE OF
 EXECUTORY CONTRACT HOLDERS OF USA COMMERCIAL MORTGAGE COMPANY
bhiggins@blacklobello.law, dmeeter@blacklobello.law

BRIGID M. HIGGINS on behalf of Creditor Committee OFFICIAL COMMITTEE OF
 HOLDERS EXECUTORY CONTRACT RIGHTS THRU USA COMMERCIAL MTG CO
bhiggins@blacklobello.law, dmeeter@blacklobello.law

BRIGID M. HIGGINS on behalf of Cross-Claimant HMA SALES, LLC
bhiggins@blacklobello.law, dmeeter@blacklobello.law

BRIGID M. HIGGINS on behalf of Defendant HMA SALES LLC
bhiggins@blacklobello.law, dmeeter@blacklobello.law

BRIGID M. HIGGINS on behalf of Defendant HMA SALES, LLC
bhiggins@blacklobello.law, dmeeter@blacklobello.law

MELANIE A. HILL on behalf of Defendant SILAR ADVISORS, LP
Melanie@MelanieHillLaw.com, tdells@cox.net

MELANIE A. HILL on behalf of Defendant SILAR SPECIAL OPPORTUNITIES FUND, LP
Melanie@MelanieHillLaw.com, tdells@cox.net

MELANIE A. HILL on behalf of Respondent SILAR ADVISORS, LP
Melanie@MelanieHillLaw.com, tdells@cox.net

MELANIE A. HILL on behalf of Respondent SILAR SPECIAL OPPORTUNITIES FUND, LP
Melanie@MelanieHillLaw.com, tdells@cox.net

RICHARD F. HOLLEY on behalf of Creditor HALL FINANCIAL GROUP, LTD
rholley@nevadafirm.com,
obrown@nevadafirm.com; apestonit@nevadafirm.com; oswibies@nevadafirm.com; agandara@nevadafirm.com

RICHARD F. HOLLEY on behalf of Creditor HALL PHOENIX INWOOD, LTD.
rholley@nevadafirm.com,
obrown@nevadafirm.com; apestonit@nevadafirm.com; oswibies@nevadafirm.com; agandara@nevadafirm.com

RICHARD F. HOLLEY on behalf of Creditor LOUISE G. SHERK, TRUSTEE OF THE LOUISE

3993 Howard Hughes Pkwy, Suite 600
 Las Vegas, NV 89169-5996

Lewis Roca
 ROTHGERBER CHRISTIE

1 G. SHERK, M.D., EMPLOYEE BENEFIT PLAN TRUST

rholley@nevadafirm.com,

2 obrown@nevadafirm.com; apestonit@nevadafirm.com; oswibies@nevadafirm.com; agandara@nevadafirm.com

3 RICHARD F. HOLLEY on behalf of Creditor ROBERT DIBIAS, TRUSTEE OF THE LOUISE
4 G. SHERK, M.D., EMPLOYEE BENEFIT PLAN TRUST

rholley@nevadafirm.com,

5 obrown@nevadafirm.com; apestonit@nevadafirm.com; oswibies@nevadafirm.com; agandara@nevadafirm.com

6 RICHARD F. HOLLEY on behalf of Defendant ASHBY USA, LLC

rholley@nevadafirm.com,

7 obrown@nevadafirm.com; apestonit@nevadafirm.com; oswibies@nevadafirm.com; agandara@nevadafirm.com

8 RICHARD F. HOLLEY on behalf of Defendant FIESTA DEVELOPMENT, INC.

rholley@nevadafirm.com,

9 obrown@nevadafirm.com; apestonit@nevadafirm.com; oswibies@nevadafirm.com; agandara@nevadafirm.com

10 RICHARD F. HOLLEY on behalf of Defendant MONACO DIVERSIFIED CORPORATION

rholley@nevadafirm.com,

11 obrown@nevadafirm.com; apestonit@nevadafirm.com; oswibies@nevadafirm.com; agandara@nevadafirm.com

12 RICHARD F. HOLLEY on behalf of Defendant RANDOM DEVELOPMENTS, LLC

rholley@nevadafirm.com,

13 obrown@nevadafirm.com; apestonit@nevadafirm.com; oswibies@nevadafirm.com; agandara@nevadafirm.com

14 RICHARD F. HOLLEY on behalf of Defendant ANTHONY MONACO

rholley@nevadafirm.com,

15 obrown@nevadafirm.com; apestonit@nevadafirm.com; oswibies@nevadafirm.com; agandara@nevadafirm.com

16 RICHARD F. HOLLEY on behalf of Defendant RICHARD K ASHBY

rholley@nevadafirm.com,

17 obrown@nevadafirm.com; apestonit@nevadafirm.com; oswibies@nevadafirm.com; agandara@nevadafirm.com

18 RICHARD F. HOLLEY on behalf of Defendant SUSAN K MONACO

rholley@nevadafirm.com,

19 obrown@nevadafirm.com; apestonit@nevadafirm.com; oswibies@nevadafirm.com; agandara@nevadafirm.com

20 RANDOLPH L. HOWARD on behalf of Plaintiff ASSET RESOLUTION LLC

rhoward@klnevada.com,

21 ckishi@klnevada.com; bankruptcy@klnevada.com; ckishi@ecf.inforruptcy.com

22 RANDOLPH L. HOWARD on behalf of Plaintiff SILAR ADVISORS, LP

rhoward@klnevada.com,

23 ckishi@klnevada.com; bankruptcy@klnevada.com; ckishi@ecf.inforruptcy.com

24 RANDOLPH L. HOWARD on behalf of Plaintiff SILAR SPECIAL OPPORTUNITIES FUND,
25 LP

rhoward@klnevada.com,
ckishi@klnevada.com; bankruptcy@klnevada.com; ckishi@ecf.inforruptcy.com

DAVID W. HUSTON on behalf of Defendant HOWARD CONNELL
HustonLaw@aol.com

DAVID W. HUSTON on behalf of Defendant LORENE CONNELL
HustonLaw@aol.com

DAVID W. HUSTON on behalf of Interested Party BEVERLY J. STILES TRUST
HustonLaw@aol.com

DAVID W. HUSTON on behalf of Plaintiff USA COMMERCIAL MORTGAGE COMPANY
HustonLaw@aol.com

JASON A. IMES on behalf of Debtor USA COMMERCIAL MORTGAGE COMPANY
bkfilings@s-mlaw.com

JASON A. IMES on behalf of Defendant USA CAPITAL FIRST TRUST DEED FUND, LLC
bkfilings@s-mlaw.com

JASON A. IMES on behalf of Defendant USA COMMERCIAL MORTGAGE COMPANY
bkfilings@s-mlaw.com

JASON A. IMES on behalf of Jnt Admin Debtor USA CAPITAL FIRST TRUST DEED FUND, LLC
bkfilings@s-mlaw.com

EVAN L. JAMES on behalf of Creditor ROSEBERRY FAMILY LP
elj@cjmlv.com

EVAN L. JAMES on behalf of Creditor RICHARD G WORTHEN
elj@cjmlv.com

ANNETTE W JARVIS on behalf of Debtor USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC
jarvis.annette@dorsey.com

ANNETTE W JARVIS on behalf of Debtor USA CAPITAL FIRST TRUST DEED FUND, LLC
jarvis.annette@dorsey.com

ANNETTE W JARVIS on behalf of Debtor USA CAPITAL REALTY ADVISORS, LLC
jarvis.annette@dorsey.com

ANNETTE W JARVIS on behalf of Debtor USA COMMERCIAL MORTGAGE COMPANY
jarvis.annette@dorsey.com

ANNETTE W JARVIS on behalf of Debtor USA SECURITIES, LLC
jarvis.annette@dorsey.com

ANNETTE W JARVIS on behalf of Defendant USA COMMERCIAL MORTGAGE COMPANY
jarvis.annette@dorsey.com

ANNETTE W JARVIS on behalf of Plaintiff USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC
jarvis.annette@dorsey.com

3993 Howard Hughes Pkwy, Suite 600
Las Vegas, NV 89169-5996

Lewis Roca
ROTHGERBER CHRISTIE

1 ANNETTE W JARVIS on behalf of Plaintiff USA COMMERCIAL MORTGAGE COMPANY
2 jarvis.annette@dorsey.com

3 MATTHEW L. JOHNSON on behalf of Creditor ROY R. VENTURA, JR.
4 annabelle@mjohnsonlaw.com, mjohnson@mjohnsonlaw.com

5 ERIN E. JONES on behalf of Plaintiff USACM LIQUIDATING TRUST
6 cburrow@diamondmccarthy.com

7 NATHAN G. KANUTE on behalf of Debtor USA CAPITAL DIVERSIFIED TRUST DEED
8 FUND, LLC
9 nkanute@swlaw.com,
10 mfull@swlaw.com; jmath@swlaw.com; docket_las@swlaw.com; rmperetz@swlaw.com; ljtaylor@swlaw.com

11 NATHAN G. KANUTE on behalf of Jnt Admin Debtor USA CAPITAL DIVERSIFIED TRUST
12 DEED FUND, LLC
13 nkanute@swlaw.com,
14 mfull@swlaw.com; jmath@swlaw.com; docket_las@swlaw.com; rmperetz@swlaw.com; ljtaylor@swlaw.com

15 TY E. KEHOE on behalf of Creditor LERIN HILLS, LTD
16 TyKehoeLaw@aol.com

17 TY E. KEHOE on behalf of Creditor LUCIUS BLANCHARD
18 TyKehoeLaw@aol.com

19 ROBERT R. KINAS on behalf of Creditor JAYEM FAMILY LIMITED PARTNERSHIP
20 rkinas@swlaw.com,
21 jmath@swlaw.com; mfull@swlaw.com; bgriffith@swlaw.com; docket_las@swlaw.com; cgianelloni@swlaw.com; nkanute@swlaw.com; rmperetz@swlaw.com

22 ROBERT R. KINAS on behalf of Creditor ALEX GASSIO
23 rkinas@swlaw.com,
24 jmath@swlaw.com; mfull@swlaw.com; bgriffith@swlaw.com; docket_las@swlaw.com; cgianelloni@swlaw.com; nkanute@swlaw.com; rmperetz@swlaw.com

25 ROBERT R. KINAS on behalf of Creditor AYLENE GERINGER
26 rkinas@swlaw.com,
27 jmath@swlaw.com; mfull@swlaw.com; bgriffith@swlaw.com; docket_las@swlaw.com; cgianelloni@swlaw.com; nkanute@swlaw.com; rmperetz@swlaw.com

28 ROBERT R. KINAS on behalf of Creditor BILL OVCA
29 rkinas@swlaw.com,
30 jmath@swlaw.com; mfull@swlaw.com; bgriffith@swlaw.com; docket_las@swlaw.com; cgianelloni@swlaw.com; nkanute@swlaw.com; rmperetz@swlaw.com

31 ROBERT R. KINAS on behalf of Creditor ED SCHOONOVER
32 rkinas@swlaw.com,
33 jmath@swlaw.com; mfull@swlaw.com; bgriffith@swlaw.com; docket_las@swlaw.com; cgianelloni@swlaw.com; nkanute@swlaw.com; rmperetz@swlaw.com

34 ROBERT R. KINAS on behalf of Creditor FERN APTER
35 rkinas@swlaw.com,
36 jmath@swlaw.com; mfull@swlaw.com; bgriffith@swlaw.com; docket_las@swlaw.com; cgianelloni@swlaw.com

1 @swlaw.com;nkanute@swlaw.com;rmperetz@swlaw.com

2 ROBERT R. KINAS on behalf of Creditor MARK ZIPKIN

3 rkinas@swlaw.com,
4 jmath@swlaw.com;mfull@swlaw.com;bgriffith@swlaw.com;docket_las@swlaw.com;cgianelloni@swlaw.com;nkanute@swlaw.com;rmperetz@swlaw.com

5 ROBERT R. KINAS on behalf of Creditor NORMAN KIVEN

6 rkinas@swlaw.com,
7 jmath@swlaw.com;mfull@swlaw.com;bgriffith@swlaw.com;docket_las@swlaw.com;cgianelloni@swlaw.com;nkanute@swlaw.com;rmperetz@swlaw.com

8 ROBERT R. KINAS on behalf of Creditor SUE SCHOONOVER

9 rkinas@swlaw.com,
10 jmath@swlaw.com;mfull@swlaw.com;bgriffith@swlaw.com;docket_las@swlaw.com;cgianelloni@swlaw.com;nkanute@swlaw.com;rmperetz@swlaw.com

11 ROBERT R. KINAS on behalf of Creditor TERRI NELSON

12 rkinas@swlaw.com,
13 jmath@swlaw.com;mfull@swlaw.com;bgriffith@swlaw.com;docket_las@swlaw.com;cgianelloni@swlaw.com;nkanute@swlaw.com;rmperetz@swlaw.com

14 ROBERT R. KINAS on behalf of Debtor USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC

15 rkinas@swlaw.com,
16 jmath@swlaw.com;mfull@swlaw.com;bgriffith@swlaw.com;docket_las@swlaw.com;cgianelloni@swlaw.com;nkanute@swlaw.com;rmperetz@swlaw.com

17 ROBERT R. KINAS on behalf of Interested Party ASPEN SQUARE MANAGEMENT, INC.

18 rkinas@swlaw.com,
19 jmath@swlaw.com;mfull@swlaw.com;bgriffith@swlaw.com;docket_las@swlaw.com;cgianelloni@swlaw.com;nkanute@swlaw.com;rmperetz@swlaw.com

20 ROBERT R. KINAS on behalf of Jnt Admin Debtor USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC

21 rkinas@swlaw.com,
22 jmath@swlaw.com;mfull@swlaw.com;bgriffith@swlaw.com;docket_las@swlaw.com;cgianelloni@swlaw.com;nkanute@swlaw.com;rmperetz@swlaw.com

23 ROBERT R. KINAS on behalf of Plaintiff USA CAPITAL DIVERSIFIED TRUST DEED FUND LLC

24 rkinas@swlaw.com,
25 jmath@swlaw.com;mfull@swlaw.com;bgriffith@swlaw.com;docket_las@swlaw.com;cgianelloni@swlaw.com;nkanute@swlaw.com;rmperetz@swlaw.com

26 ROBERT R. KINAS on behalf of Plaintiff USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC

27 rkinas@swlaw.com,
28 jmath@swlaw.com;mfull@swlaw.com;bgriffith@swlaw.com;docket_las@swlaw.com;cgianelloni@swlaw.com;nkanute@swlaw.com;rmperetz@swlaw.com

DEAN T. KIRBY, JR. on behalf of Creditor DEBT ACQUISITION COMPANY OF AMERICA

dkirby@kirbymac.com, jwilson@kirbymac.com

DEAN T. KIRBY, JR. on behalf of Cross-Claimant ROCKLIN/REDDING LLC

dkirby@kirbymac.com, jwilson@kirbymac.com

DEAN T. KIRBY, JR. on behalf of Defendant EAGLE INVESTMENT PARTNERS, L.P.
dkirby@kirbymac.com, jwilson@kirbymac.com

DEAN T. KIRBY, JR. on behalf of Defendant ROCKLIN/REDDING LLC
dkirby@kirbymac.com, jwilson@kirbymac.com

DEAN T. KIRBY, JR. on behalf of Defendant VINDRAUGA CORPORATION
dkirby@kirbymac.com, jwilson@kirbymac.com

DEAN T. KIRBY, JR. on behalf of Interested Party DEBT ACQUISITION COMPANY OF AMERICA
dkirby@kirbymac.com, jwilson@kirbymac.com

DEAN T. KIRBY, JR. on behalf of Interested Party DEBT ACQUISITION COMPANY OF AMERICA V, LLC (aw)
dkirby@kirbymac.com, jwilson@kirbymac.com

DEAN T. KIRBY, JR. on behalf of Intervenor DEBT ACQUISITION COMPANY OF AMERICA V, LLC
dkirby@kirbymac.com, jwilson@kirbymac.com

DEAN T. KIRBY, JR. on behalf of Plaintiff DEBT ACQUISITION COMPANY OF AMERICA V, LLC
dkirby@kirbymac.com, jwilson@kirbymac.com

REID W. LAMBERT on behalf of Creditor USA INVESTMENT PARTNERS, LLC
rwlambert@wklawpc.com

REID W. LAMBERT on behalf of Creditor JOSEPH D. MILANOWSKI
rwlambert@wklawpc.com

REID W. LAMBERT on behalf of Creditor THOMAS HANTGES
rwlambert@wklawpc.com

BART K. LARSEN on behalf of Interested Party KOLESAR & LEATHAM, CHTD.
blarsen@klnevada.com,
bankruptcy@klnevada.com; mbarnes@klnevada.com; blarsen@ecf.inforruptcy.com

BART K. LARSEN on behalf of Interested Party Randolph L. HOWARD
blarsen@klnevada.com,
bankruptcy@klnevada.com; mbarnes@klnevada.com; blarsen@ecf.inforruptcy.com

BART K. LARSEN on behalf of Plaintiff ASSET RESOLUTION LLC
blarsen@klnevada.com,
bankruptcy@klnevada.com; mbarnes@klnevada.com; blarsen@ecf.inforruptcy.com

BART K. LARSEN on behalf of Plaintiff SILAR ADVISORS, LP
blarsen@klnevada.com,
bankruptcy@klnevada.com; mbarnes@klnevada.com; blarsen@ecf.inforruptcy.com

BART K. LARSEN on behalf of Plaintiff SILAR SPECIAL OPPORTUNITIES FUND, LP
blarsen@klnevada.com,
bankruptcy@klnevada.com; mbarnes@klnevada.com; blarsen@ecf.inforruptcy.com

KENT F. LARSEN on behalf of Creditor WELLS FARGO BANK OF NEVADA AND WELLS

1 FARGO BANK

kfl@slwlaw.com, jlr@slwlaw.com

2 KENT F. LARSEN on behalf of Defendant WELLS FARGO BANK, N.A.

kfl@slwlaw.com, jlr@slwlaw.com

4 ZACHARIAH LARSON on behalf of Attorney ZACHARIAH LARSON

carey@lzklegal.com, mzirezow@lzklegal.com; mary@lzklegal.com; trish@lzklegal.com

5 SANDRA W. LAVIGNA on behalf of Creditor UNITED STATES SECURITIES AND
6 EXCHANGE COMMISSION

lavignas@sec.gov

7 SANDRA W. LAVIGNA on behalf of Interested Party U. S. Securities and Exchange
8 Commission

lavignas@sec.gov

9 JOHN J. LAXAGUE on behalf of Defendant JOHN ROBERT MALLIN & MARIE THERESA
10 MALLIN

jilaxague@canecclark.com, joe@laxaguelaw.com

11 JOHN J. LAXAGUE on behalf of Defendant DANIEL DRUBIN

jilaxague@canecclark.com, joe@laxaguelaw.com

12 JOHN J. LAXAGUE on behalf of Defendant George J. Motto

jilaxague@canecclark.com, joe@laxaguelaw.com

13 JOHN J. LAXAGUE on behalf of Defendant LAURA DRUBIN

jilaxague@canecclark.com, joe@laxaguelaw.com

14 JOHN J. LAXAGUE on behalf of Interested Party BEVERLY J. STILES TRUST

jilaxague@canecclark.com, joe@laxaguelaw.com

15 JOHN J. LAXAGUE on behalf of Interested Party DANIEL DRUBIN

jilaxague@canecclark.com, joe@laxaguelaw.com

16 JOHN J. LAXAGUE on behalf of Interested Party GEORGE J. MOTTO

jilaxague@canecclark.com, joe@laxaguelaw.com

17 JOHN J. LAXAGUE on behalf of Interested Party JOHN ROBERT MALLIN

jilaxague@canecclark.com, joe@laxaguelaw.com

18 JOHN J. LAXAGUE on behalf of Interested Party LAURA DRUBIN

jilaxague@canecclark.com, joe@laxaguelaw.com

19 JOHN J. LAXAGUE on behalf of Interested Party MARIE THERESA MALLIN

jilaxague@canecclark.com, joe@laxaguelaw.com

20 GEORGE C LAZAR on behalf of Cross-Claimant DONALD S. TOMLIN AND DOROTHY R.
21 TOMLIN

glazar@foxjohns.com, george.c.lazar@gmail.com

22 GEORGE C LAZAR on behalf of Cross-Claimant TOMLIN TRUST

glazar@foxjohns.com, george.c.lazar@gmail.com

23 GEORGE C LAZAR on behalf of Defendant DONALD S. TOMLIN AND DOROTHY R.

1 TOMLIN

glazar@foxjohns.com, george.c.lazar@gmail.com

2 GEORGE C LAZAR on behalf of Defendant J.M.K. INVESTMENTS, LTD.

3 glazar@foxjohns.com, george.c.lazar@gmail.com

4 GEORGE C LAZAR on behalf of Defendant JOHN M KEILLY

5 glazar@foxjohns.com, george.c.lazar@gmail.com

6 NILE LEATHAM on behalf of Creditor JEFFREY L. EDWARDS

nleatham@klnevada.com,
7 ckishi@klnevada.com; bankruptcy@klnevada.com; nleatham@ecf.courtdrive.com

8 NILE LEATHAM on behalf of Creditor KATHLEEN M. EDWARDS

nleatham@klnevada.com,
9 ckishi@klnevada.com; bankruptcy@klnevada.com; nleatham@ecf.courtdrive.com

10 NILE LEATHAM on behalf of Interested Party CROSS DEVELOPMENT/MONTGOMERY, LP

nleatham@klnevada.com,
11 ckishi@klnevada.com; bankruptcy@klnevada.com; nleatham@ecf.courtdrive.com

12 NILE LEATHAM on behalf of Interested Party DAYCO FUNDING CORPORATION

nleatham@klnevada.com,
13 ckishi@klnevada.com; bankruptcy@klnevada.com; nleatham@ecf.courtdrive.com

14 NILE LEATHAM on behalf of Interested Party WESTERN UNITED LIFE ASSURANCE CO

nleatham@klnevada.com,
15 ckishi@klnevada.com; bankruptcy@klnevada.com; nleatham@ecf.courtdrive.com

16 NILE LEATHAM on behalf of Interested Party MIKLOS STEUER

nleatham@klnevada.com,
17 ckishi@klnevada.com; bankruptcy@klnevada.com; nleatham@ecf.courtdrive.com

18 ROBERT C. LEPOME on behalf of Creditor JAYEM FAMILY LIMITED PARTNERSHIP

smstanton@cox.net

19 ROBERT C. LEPOME on behalf of Creditor HOWARD CONNELL

20 smstanton@cox.net

21 ROBERT C. LEPOME on behalf of Creditor LORENE CONNELL

smstanton@cox.net

22 ROBERT C. LEPOME on behalf of Creditor MICHAEL W. GORTZ

23 smstanton@cox.net

24 ROBERT C. LEPOME on behalf of Cross-Claimant MW GORTS & COMPANY

smstanton@cox.net

25 ROBERT C. LEPOME on behalf of Cross-Claimant THE WILD WATER LP

26 smstanton@cox.net

27 ROBERT C. LEPOME on behalf of Cross-Claimant CROSBIE B. RONNING

smstanton@cox.net

28 ROBERT C. LEPOME on behalf of Cross-Claimant EDWIN ARNOLD

smstanton@cox.net

3993 Howard Hughes Pkwy, Suite 600
Las Vegas, NV 89169-5996

Lewis Roca
ROTHGERBER CHRISTIE

1 ROBERT C. LEPOME on behalf of Defendant BETTY KOLSTRUP
2 smstanton@cox.net

3 ROBERT C. LEPOME on behalf of Defendant CAROL N. HUBBARD
4 smstanton@cox.net

5 ROBERT C. LEPOME on behalf of Defendant CRAIG MEDOFF
6 smstanton@cox.net

7 ROBERT C. LEPOME on behalf of Defendant CROSBIE RONNING
8 smstanton@cox.net

9 ROBERT C. LEPOME on behalf of Defendant GARETH A.R. CRANER
10 smstanton@cox.net

11 ROBERT C. LEPOME on behalf of Defendant GEORGE HUBBARD
12 smstanton@cox.net

13 ROBERT C. LEPOME on behalf of Defendant GRABLE B. RONNING
14 smstanton@cox.net

15 ROBERT C. LEPOME on behalf of Defendant M.W. GORTS AND COMPANY
16 smstanton@cox.net

17 ROBERT C. LEPOME on behalf of Defendant MARGARET A. GRAF
18 smstanton@cox.net

19 ROBERT C. LEPOME on behalf of Defendant MW GORTS & COMPANY
20 smstanton@cox.net

21 ROBERT C. LEPOME on behalf of Defendant PAUL GRAF
22 smstanton@cox.net

23 ROBERT C. LEPOME on behalf of Defendant ROBERT L. OGREN
24 smstanton@cox.net

25 ROBERT C. LEPOME on behalf of Defendant RONALD G. GARDNER
26 smstanton@cox.net

27 ROBERT C. LEPOME on behalf of Defendant THE WILD WATER LP
28 smstanton@cox.net

ROBERT C. LEPOME on behalf of Defendant BETTY KOLSTRUP
smstanton@cox.net

ROBERT C. LEPOME on behalf of Defendant CAROL N. HUBBARD
smstanton@cox.net

ROBERT C. LEPOME on behalf of Defendant CROSBIE B. RONNING
smstanton@cox.net

ROBERT C. LEPOME on behalf of Defendant EDWIN ARNOLD
smstanton@cox.net

ROBERT C. LEPOME on behalf of Defendant FLORENCE ALEXANDER

3993 Howard Hughes Pkwy, Suite 600
Las Vegas, NV 89169-5996

Lewis Roca
ROTHGERBER CHRISTIE

smstanton@cox.net

ROBERT C. LEPOME on behalf of Defendant GARETH A.R. CRANER
smstanton@cox.net

ROBERT C. LEPOME on behalf of Defendant GEORGE W. HUBBARD
smstanton@cox.net

ROBERT C. LEPOME on behalf of Defendant GRABLE P. RONNING
smstanton@cox.net

ROBERT C. LEPOME on behalf of Defendant HOWARD CONNELL
smstanton@cox.net

ROBERT C. LEPOME on behalf of Defendant LORENE CONNELL
smstanton@cox.net

ROBERT C. LEPOME on behalf of Defendant M. CRAIG MEDOFF
smstanton@cox.net

ROBERT C. LEPOME on behalf of Defendant MARGARET A. GRAF
smstanton@cox.net

ROBERT C. LEPOME on behalf of Defendant PAUL D. GRAF
smstanton@cox.net

ROBERT C. LEPOME on behalf of Defendant ROBERT L. OGREN
smstanton@cox.net

ROBERT C. LEPOME on behalf of Defendant STANLEY ALEXANDER
smstanton@cox.net

ROBERT C. LEPOME on behalf of Interested Party FIRST SAVINGS BANK, CUSTODIAN
FOR PATRICK DAVIS IRA
smstanton@cox.net

ROBERT C. LEPOME on behalf of Interested Party GRAHAM FAMILY TRUST DATED
10/26/78
smstanton@cox.net

ROBERT C. LEPOME on behalf of Interested Party MOLITCH 97 TRUST
smstanton@cox.net

ROBERT C. LEPOME on behalf of Interested Party PHILLIPS FAMILY TRUST DATED
OCTOBER 24, 1989
smstanton@cox.net

ROBERT C. LEPOME on behalf of Interested Party PONTAK WONG REVOCABLE TRUST
DATED JAN. 19, 2004
smstanton@cox.net

ROBERT C. LEPOME on behalf of Interested Party SPECTRUM CAPITAL, LLC
smstanton@cox.net

ROBERT C. LEPOME on behalf of Interested Party STANLEY ALEXANDER TRUST
smstanton@cox.net

3993 Howard Hughes Pkwy, Suite 600
Las Vegas, NV 89169-5996

Lewis Roca
ROTHGERBER CHRISTIE

1 ROBERT C. LEPOME on behalf of Interested Party THE BOSWORTH 1988 FAMILY TRUST
2 smstanton@cox.net

3 ROBERT C. LEPOME on behalf of Interested Party THE WILD WATER LIMITED
4 PARTNERSHIP
smstanton@cox.net

5 ROBERT C. LEPOME on behalf of Interested Party VOSS FAMILY TRUST
6 smstanton@cox.net

7 ROBERT C. LEPOME on behalf of Interested Party CARMEL WINKLER
8 smstanton@cox.net

9 ROBERT C. LEPOME on behalf of Interested Party CELIA ALLEN GRAHAM
10 smstanton@cox.net

11 ROBERT C. LEPOME on behalf of Interested Party CLAUDIA VOSS
12 smstanton@cox.net

13 ROBERT C. LEPOME on behalf of Interested Party CROSBIE B. RONNING
14 smstanton@cox.net

15 ROBERT C. LEPOME on behalf of Interested Party DARRELL M. WONG
16 smstanton@cox.net

17 ROBERT C. LEPOME on behalf of Interested Party EDWIN ARNOLD
18 smstanton@cox.net

19 ROBERT C. LEPOME on behalf of Interested Party FLORENCE ALEXANDER
20 smstanton@cox.net

21 ROBERT C. LEPOME on behalf of Interested Party FRANCES PHILLIPS
22 smstanton@cox.net

23 ROBERT C. LEPOME on behalf of Interested Party GRABLE L RONNING
24 smstanton@cox.net

25 ROBERT C. LEPOME on behalf of Interested Party JAMES CIELEN
26 smstanton@cox.net

27 ROBERT C. LEPOME on behalf of Interested Party JAMES DICKINSON
28 smstanton@cox.net

ROBERT C. LEPOME on behalf of Interested Party JAMES R CIELEN IRA
smstanton@cox.net

ROBERT C. LEPOME on behalf of Interested Party MARGARET GRAF
smstanton@cox.net

ROBERT C. LEPOME on behalf of Interested Party MARK R CAMPBELL
smstanton@cox.net

ROBERT C. LEPOME on behalf of Interested Party PATRICIA PONTAK
smstanton@cox.net

1 ROBERT C. LEPOME on behalf of Interested Party PAUL GRAF
smstanton@cox.net

2 ROBERT C. LEPOME on behalf of Interested Party RICHARD WILLIAMS
3 smstanton@cox.net

4 ROBERT C. LEPOME on behalf of Interested Party ROBERT G TEETER
5 smstanton@cox.net

6 ROBERT C. LEPOME on behalf of Interested Party ROBERT L. OGREN
7 smstanton@cox.net

8 ROBERT C. LEPOME on behalf of Interested Party RUDOLF WINKLER
9 smstanton@cox.net

10 ROBERT C. LEPOME on behalf of Interested Party STANLEY ALEXANDER
11 smstanton@cox.net

12 ROBERT C. LEPOME on behalf of Interested Party STEPHEN PHILLIPS
13 smstanton@cox.net

14 STEPHEN T LODEN on behalf of Attorney DIAMOND MCCARTHY LLP
15 sloden@diamondmccarthy.com,
16 cburrow@diamondmccarthy.com; bgarry@diamondmccarthy.com

17 STEPHEN T LODEN on behalf of Defendant J.M.K. INVESTMENTS, LTD.
18 sloden@diamondmccarthy.com,
19 cburrow@diamondmccarthy.com; bgarry@diamondmccarthy.com

20 STEPHEN T LODEN on behalf of Interested Party USACM LIQUIDATING TRUST
21 sloden@diamondmccarthy.com,
22 cburrow@diamondmccarthy.com; bgarry@diamondmccarthy.com

23 STEPHEN T LODEN on behalf of Plaintiff USA CAPITAL DIVERSIFIED TRUST DEED
24 FUND LLC
25 sloden@diamondmccarthy.com,
26 cburrow@diamondmccarthy.com; bgarry@diamondmccarthy.com

27 STEPHEN T LODEN on behalf of Plaintiff USA CAPITAL DIVERSIFIED TRUST DEED
28 FUND, LLC
29 sloden@diamondmccarthy.com,
30 cburrow@diamondmccarthy.com; bgarry@diamondmccarthy.com

31 STEPHEN T LODEN on behalf of Plaintiff USACM LIQUIDATING TRUST
32 sloden@diamondmccarthy.com,
33 cburrow@diamondmccarthy.com; bgarry@diamondmccarthy.com

34 ANNE M. LORADITCH on behalf of Counter-Defendant USA CAPITAL DIVERSIFIED
35 TRUST DEED FUND, LLC
36 aloraditch@bachlawfirm.com, sandra.herbstreit@bachlawfirm.com; jbach@bachlawfirm.com

37 ANNE M. LORADITCH on behalf of Interested Party OFFICIAL COMMITTEE OF EQUITY
38 SECURITY HOLDERS OF USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC
39 aloraditch@bachlawfirm.com, sandra.herbstreit@bachlawfirm.com; jbach@bachlawfirm.com

40 ANNE M. LORADITCH on behalf of Interested Party OFFICIAL COMMITTEE OF

1 UNSECURED CREDITORS FOR USA COMMERCIAL MORTGAGE COMPANY
2 aloraditch@bachlawfirm.com, sandra.herbstreit@bachlawfirm.com; jbach@bachlawfirm.com

3 ANNE M. LORADITCH on behalf of Plaintiff USA CAPITAL DIVERSIFIED TRUST DEED
4 FUND, LLC
5 aloraditch@bachlawfirm.com, sandra.herbstreit@bachlawfirm.com; jbach@bachlawfirm.com

6 TIMOTHY A LUKAS on behalf of Counter-Claimant LOS VALLES LAND & GOLF, LLC
7 ecflukast@hollandhart.com

8 TIMOTHY A LUKAS on behalf of Defendant LOS VALLES LAND & GOLF, LLC
9 ecflukast@hollandhart.com

10 TIMOTHY A LUKAS on behalf of Defendant DAN S. PALMER, Jr.
11 ecflukast@hollandhart.com

12 ERIC D. MADDEN on behalf of Creditor Committee OFFICIAL COMMITTEE OF
13 UNSECURED CREDITORS FOR USA COMMERCIAL MORTGAGE COMPANY
14 emadden@rctlegal.com, jharlin@rctlegal.com

15 ERIC D. MADDEN on behalf of Interested Party USACM LIQUIDATING TRUST
16 emadden@rctlegal.com, jharlin@rctlegal.com

17 ERIC D. MADDEN on behalf of Jnt Admin Debtor USA CAPITAL DIVERSIFIED TRUST
18 DEED FUND, LLC
19 emadden@rctlegal.com, jharlin@rctlegal.com

20 ERIC D. MADDEN on behalf of Plaintiff USA CAPITAL DIVERSIFIED TRUST DEED FUND
21 LLC
22 emadden@rctlegal.com, jharlin@rctlegal.com

23 ERIC D. MADDEN on behalf of Plaintiff USA CAPITAL DIVERSIFIED TRUST DEED FUND,
24 LLC
25 emadden@rctlegal.com, jharlin@rctlegal.com

26 ERIC D. MADDEN on behalf of Plaintiff USA CAPITAL FIRST TRUST DEED FUND, LLC
27 emadden@rctlegal.com, jharlin@rctlegal.com

28 ERIC D. MADDEN on behalf of Plaintiff USACM LIQUIDATING TRUST
29 emadden@rctlegal.com, jharlin@rctlegal.com

30 PATRICIA A. MARR on behalf of Creditor LAW OFFICES OF JAMES J. LEE
31 lvlaw03@yahoo.com

32 JAMES C. MCCARROLL on behalf of Interested Party SPCP GROUP, LLC
33 jmccarroll@reedsmith.com

34 DANIEL J MCCARTHY on behalf of Creditor Royal Landholdings, LLC
35 dmccarthy@hillfarrer.com

36 REGINA M. MCCONNELL on behalf of Creditor 401(K) PROFIT SHARING PLAN, LYNN
37 KANTOR
38 Regina@MLVegas.com

39 REGINA M. MCCONNELL on behalf of Creditor GARY L. KANTON, M.D., TRUSTEE
40 KANTOR NEPHROLOGY CONSULTANTS, LTD.

Regina@MLVegas.com

REGINA M. MCCONNELL on behalf of Creditor CARMINE VENTO
Regina@MLVegas.com

REGINA M. MCCONNELL on behalf of Creditor G KANTOR
Regina@MLVegas.com

REGINA M. MCCONNELL on behalf of Creditor GARY KANTON
Regina@MLVegas.com

REGINA M. MCCONNELL on behalf of Creditor GARY L. KANTOR
Regina@MLVegas.com

REGINA M. MCCONNELL on behalf of Creditor LYNN KANTOR, IRA
Regina@MLVegas.com

REGINA M. MCCONNELL on behalf of Interested Party DESERT CAPITAL REIT, INC.
Regina@MLVegas.com

WILLIAM L. MCGIMSEY on behalf of Defendant MARGARET B. MCGIMSEY TRUST
lawoffices601@lvcoxmail.com

WILLIAM L. MCGIMSEY on behalf of Defendant BRUCE MCGIMSEY
lawoffices601@lvcoxmail.com

WILLIAM L. MCGIMSEY on behalf of Defendant JERRY MCGIMSEY
lawoffices601@lvcoxmail.com

WILLIAM L. MCGIMSEY on behalf of Defendant JOHNNY CLARK
lawoffices601@lvcoxmail.com

WILLIAM L. MCGIMSEY on behalf of Defendant SHARON MCGIMSEY
lawoffices601@lvcoxmail.com

WILLIAM L. MCGIMSEY on behalf of Interested Party MARGARET B. MCGIMSEY TRUST
lawoffices601@lvcoxmail.com

WILLIAM L. MCGIMSEY on behalf of Interested Party BRUCE MCGIMSEY
lawoffices601@lvcoxmail.com

WILLIAM L. MCGIMSEY on behalf of Interested Party JERRY MCGIMSEY
lawoffices601@lvcoxmail.com

WILLIAM L. MCGIMSEY on behalf of Interested Party JOHNNY CLARK
lawoffices601@lvcoxmail.com

WILLIAM L. MCGIMSEY on behalf of Interested Party SHARON MCGIMSEY
lawoffices601@lvcoxmail.com

RICHARD MCKNIGHT on behalf of Creditor RICHARD MCKNIGHT
rmcknight@lawlasvegas.com, cburke@mincinlaw.com

RICHARD MCKNIGHT on behalf of Defendant BOB STUPAK
rmcknight@lawlasvegas.com, cburke@mincinlaw.com

3993 Howard Hughes Pkwy, Suite 600
Las Vegas, NV 89169-5996

Lewis Roca
ROTHGERBER CHRISTIE

1 JEANETTE E. MCPHERSON on behalf of Attorney RAY, QUINNEY & NEBEKER P.C.
2 bkfilings@s-mlaw.com

3 JEANETTE E. MCPHERSON on behalf of Attorney SCHWARTZER AND MCPHERSON LAW
4 FIRM
5 bkfilings@s-mlaw.com

6 JEANETTE E. MCPHERSON on behalf of Debtor USA CAPITAL DIVERSIFIED TRUST
7 DEED FUND, LLC
8 bkfilings@s-mlaw.com

9 JEANETTE E. MCPHERSON on behalf of Debtor USA CAPITAL FIRST TRUST DEED
10 FUND, LLC
11 bkfilings@s-mlaw.com

12 JEANETTE E. MCPHERSON on behalf of Debtor USA CAPITAL REALTY ADVISORS, LLC
13 bkfilings@s-mlaw.com

14 JEANETTE E. MCPHERSON on behalf of Debtor USA COMMERCIAL MORTGAGE
15 COMPANY
16 bkfilings@s-mlaw.com

17 JEANETTE E. MCPHERSON on behalf of Debtor USA SECURITIES, LLC
18 bkfilings@s-mlaw.com

19 JEANETTE E. MCPHERSON on behalf of Defendant USA CAPITAL FIRST TRUST DEED
20 FUND, LLC
21 bkfilings@s-mlaw.com

22 JEANETTE E. MCPHERSON on behalf of Defendant USA COMMERCIAL MORTGAGE
23 COMPANY
24 bkfilings@s-mlaw.com

25 JEANETTE E. MCPHERSON on behalf of Jnt Admin Debtor USA CAPITAL DIVERSIFIED
26 TRUST DEED FUND, LLC
27 bkfilings@s-mlaw.com

28 JEANETTE E. MCPHERSON on behalf of Jnt Admin Debtor USA CAPITAL FIRST TRUST
DEED FUND, LLC
bkfilings@s-mlaw.com

JEANETTE E. MCPHERSON on behalf of Jnt Admin Debtor USA CAPITAL REALTY
ADVISORS, LLC
bkfilings@s-mlaw.com

JEANETTE E. MCPHERSON on behalf of Jnt Admin Debtor USA SECURITIES, LLC
bkfilings@s-mlaw.com

JEANETTE E. MCPHERSON on behalf of Plaintiff USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC
bkfilings@s-mlaw.com

JEANETTE E. MCPHERSON on behalf of Plaintiff USA COMMERCIAL MORTGAGE
COMPANY
bkfilings@s-mlaw.com

1 BRECK E. MILDE on behalf of Creditor ALBERT LEE
2 bmilde@terra-law.com

3 SHAWN W MILLER on behalf of Interested Party ESTATE OF DONALD E. GOODSSELL
4 shawn5504@gmail.com

5 DAVID MINCIN on behalf of Creditor RICHARD MCKNIGHT
6 dmincin@mincinlaw.com, cburke@mincinlaw.com

7 ROYI MOAS on behalf of Debtor PLATINUM FINANCIAL TRUST, LLC
8 rmoas@wrslawyers.com, mshield@wrslawyers.com

9 JOHN F MURTHA on behalf of Creditor GARY MICHELSEN
10 jmurtha@woodburnandwedge.com, dlercari@woodburnandwedge.com

11 JOHN F MURTHA on behalf of Creditor JOHN MICHELSEN
12 jmurtha@woodburnandwedge.com, dlercari@woodburnandwedge.com

13 JOHN F MURTHA on behalf of Stockholder JOHN E. MICHELSEN FAMILY TRUST DTD.
14 11/75

15 jmurtha@woodburnandwedge.com, dlercari@woodburnandwedge.com

16 JOHN F MURTHA on behalf of Stockholder GARY MICHELSEN
17 jmurtha@woodburnandwedge.com, dlercari@woodburnandwedge.com

18 PETER D. NAVARRO on behalf of Interested Party KOLESAR & LEATHAM, CHTD.
19 pdnavarro@hollandhart.com

20 PETER D. NAVARRO on behalf of Interested Party Randolph L. HOWARD
21 pdnavarro@hollandhart.com

22 PETER D. NAVARRO on behalf of Plaintiff ASSET RESOLUTION LLC
23 pdnavarro@hollandhart.com

24 PETER D. NAVARRO on behalf of Plaintiff SILAR ADVISORS, LP
25 pdnavarro@hollandhart.com

26 PETER D. NAVARRO on behalf of Plaintiff SILAR SPECIAL OPPORTUNITIES FUND, LP
27 pdnavarro@hollandhart.com

28 ERVEN T. NELSON on behalf of Attorney BOLICK & BOYER
29 erv@hyperionlegal.com

30 ERVEN T. NELSON on behalf of Creditor ERVEN J NELSON AND FRANKIE J NELSON
31 TRUST
32 erv@hyperionlegal.com

33 ERVEN T. NELSON on behalf of Creditor ERVEN J NELSON LTD PROFIT SHARING PLAN
34 erv@hyperionlegal.com

35 ERVEN T. NELSON on behalf of Creditor WORLD LINKS GROUP LLC
36 erv@hyperionlegal.com

37 ERVEN T. NELSON on behalf of Creditor ZAWACKI LLC (COLLECTIVELY "MANTAS
38 GROUP")
39 erv@hyperionlegal.com

1 ERVEN T. NELSON on behalf of Creditor ELLYSON GALLOWAY
2 erv@hyperionlegal.com

3 ERVEN T. NELSON on behalf of Creditor LEO G MANTAS
4 erv@hyperionlegal.com

5 VICTORIA L NELSON on behalf of Creditor HOMES FOR AMERICA HOLDINGS, INC.
6 vnelson@nelsonhoumand.com, jhoumand@nelsonhoumand.com; kortiz@nelsonhoumand.com

7 VICTORIA L NELSON on behalf of Defendant HFAH CLEAR LAKE, LLC
8 vnelson@nelsonhoumand.com, jhoumand@nelsonhoumand.com; kortiz@nelsonhoumand.com

9 VICTORIA L NELSON on behalf of Defendant HOMES FOR AMERICA HOLDINGS, INC.
10 vnelson@nelsonhoumand.com, jhoumand@nelsonhoumand.com; kortiz@nelsonhoumand.com

11 VICTORIA L NELSON on behalf of Defendant MEDITERRANEE-HFAH, LLC
12 vnelson@nelsonhoumand.com, jhoumand@nelsonhoumand.com; kortiz@nelsonhoumand.com

13 VICTORIA L NELSON on behalf of Defendant ONE POINT STREET, INC.
14 vnelson@nelsonhoumand.com, jhoumand@nelsonhoumand.com; kortiz@nelsonhoumand.com

15 CRAIG S. NEWMAN on behalf of Defendant AURORA INVESTMENTS LP
16 cnewman@djplaw.com

17 JOHN F. O'REILLY on behalf of Creditor MICHAEL PETERSEN
18 ,
19 efile@oreillylawgroup.com; lc@oreillylawgroup.com; fr@oreillylawgroup.com; tj@oreillylawgroup.com

20 JOHN F. O'REILLY on behalf of Defendant STANLEY E FULTON
21 jor@oreillylawgroup.com,
22 efile@oreillylawgroup.com; lc@oreillylawgroup.com; fr@oreillylawgroup.com; tj@oreillylawgroup.com

23 TIMOTHY R. O'REILLY on behalf of Creditor MICHAEL PETERSEN
24 efile@oreillylawgroup.com; lc@oreillylawgroup.com; fr@oreillylawgroup.com; tj@oreillylawgroup.com

25 TIMOTHY R. O'REILLY on behalf of Defendant KATHRYN L. PETERSEN LIVING TRUST
26 efile@oreillylawgroup.com; lc@oreillylawgroup.com; fr@oreillylawgroup.com; tj@oreillylawgroup.com

27 TIMOTHY R. O'REILLY on behalf of Defendant KLP TRUST DTD 7/15/99
28 efile@oreillylawgroup.com; lc@oreillylawgroup.com; fr@oreillylawgroup.com; tj@oreillylawgroup.com

TIMOTHY R. O'REILLY on behalf of Defendant MARY PETERSEN FAMILY TRUST DTD 8/12/98
efile@oreillylawgroup.com; lc@oreillylawgroup.com; fr@oreillylawgroup.com; tj@oreillylawgroup.com

TIMOTHY R. O'REILLY on behalf of Defendant MICHAEL D PETERSEN FAMILY TRUST DTD 8/12/98
efile@oreillylawgroup.com; lc@oreillylawgroup.com; fr@oreillylawgroup.com; tj@oreillylawgroup.com

1 TIMOTHY R. O'REILLY on behalf of Defendant SPECIALIZED DEVELOPMENT TAHOE,
2 LLC
3 efile@oreillylawgroup.com; lc@oreillylawgroup.com; fr@oreillylawgroup.com; tj@oreillylawgroup.com

4 TIMOTHY R. O'REILLY on behalf of Defendant KATHRYN L PETERSEN
5 efile@oreillylawgroup.com; lc@oreillylawgroup.com; fr@oreillylawgroup.com; tj@oreillylawgroup.com

6 TIMOTHY R. O'REILLY on behalf of Defendant MARY PETERSEN
7 efile@oreillylawgroup.com; lc@oreillylawgroup.com; fr@oreillylawgroup.com; tj@oreillylawgroup.com

8 TIMOTHY R. O'REILLY on behalf of Defendant MICHAEL D PETERSEN
9 efile@oreillylawgroup.com; lc@oreillylawgroup.com; fr@oreillylawgroup.com; tj@oreillylawgroup.com

10 TIMOTHY R. O'REILLY on behalf of Defendant STANLEY E FULTON
11 efile@oreillylawgroup.com; lc@oreillylawgroup.com; fr@oreillylawgroup.com; tj@oreillylawgroup.com

12 TIMOTHY R. O'REILLY on behalf of Interested Party STANLEY E FULTON
13 efile@oreillylawgroup.com; lc@oreillylawgroup.com; fr@oreillylawgroup.com; tj@oreillylawgroup.com

14 ANDREW M. PARLEN on behalf of Attorney STUTMAN, TREISTER & GLATT
15 PROFESSIONAL CORPORATION
aparen@omm.com

16 ANDREW M. PARLEN on behalf of Creditor Committee OFFICIAL COMMITTEE OF
17 EQUITY SECURITY HOLDERS OF USA CAPITAL FIRST TRUST DEED FUND, LLC
aparen@omm.com

18 ANDREW M. PARLEN on behalf of Defendant USA CAPITAL FIRST TRUST DEED
19 aparen@omm.com

20 DONALD T. POLEDNAK on behalf of Creditor COMMUNITY BANK OF NEVADA
don@sylvesterpolednak.com, kellye@sylvesterpolednak.com

21 DONALD T. POLEDNAK on behalf of Creditor PHILP BENJAMIN RBR PARTNERSHIP
22 don@sylvesterpolednak.com, kellye@sylvesterpolednak.com

23 LISA A. RASMUSSEN on behalf of Creditor CAROL MORTENSEN
lisa@lasmussenlaw.com, secretary@lasmussenlaw.com; alex@lasmussenlaw.com

24 LISA A. RASMUSSEN on behalf of Respondent MARGARITA ANNEX SPE, LLC
25 lisa@lasmussenlaw.com, secretary@lasmussenlaw.com; alex@lasmussenlaw.com

26 PAUL C RAY on behalf of Interested Party JOHN PETER LEE, LTD.
PaulCRayLaw@gmail.com, PaulCRayLaw@aol.com

27 PAUL C RAY on behalf of Interested Party JAMIE WISE
28 PaulCRayLaw@gmail.com, PaulCRayLaw@aol.com

WILLIAM T. REID, IV on behalf of Plaintiff USA CAPITAL DIVERSIFIED TRUST DEED

1 FUND, LLC

wreid@rctlegal.com, tstone@rctlegal.com

2 WILLIAM T. REID, IV on behalf of Plaintiff USA CAPITAL FIRST TRUST DEED FUND,
3 LLC

wreid@rctlegal.com, tstone@rctlegal.com

4 WILLIAM T. REID, IV on behalf of Plaintiff USACM LIQUIDATING TRUST

5 wreid@rctlegal.com, tstone@rctlegal.com

6 THOMAS RICE on behalf of Interested Party FORD ELSAESSER

7 trice@pulmanlaw.com

8 GORDON C. RICHARDS on behalf of Creditor CHRISTINE L. SPINDEL

GCR@ClarkandRichards.com, ALM@ClarkandRichards.com

9 GORDON C. RICHARDS on behalf of Creditor MANFRED S. SPINDEL

10 GCR@ClarkandRichards.com, ALM@ClarkandRichards.com

11 CHRISTINE A ROBERTS on behalf of Creditor HIGHLAND CRUSADER FUND, LTD.

Christine@crobertslaw.net,
12 shelley@crobertslaw.net; Christine@crobertslaw.net; lynn@crobertslaw.net

13 CHRISTINE A ROBERTS on behalf of Creditor PAM CAPITAL FUNDING, L.P.

Christine@crobertslaw.net,
14 shelley@crobertslaw.net; Christine@crobertslaw.net; lynn@crobertslaw.net

15 CHRISTINE A ROBERTS on behalf of Creditor PAMCO CAYMAN, LTD.

Christine@crobertslaw.net,
16 shelley@crobertslaw.net; Christine@crobertslaw.net; lynn@crobertslaw.net

17 CHRISTINE A ROBERTS on behalf of Creditor PCMG TRADING PARTNERS XXII, L.P.

Christine@crobertslaw.net,
18 shelley@crobertslaw.net; Christine@crobertslaw.net; lynn@crobertslaw.net

19 CHRISTINE A ROBERTS on behalf of Creditor PROSPECT HIGH INCOME FUND

Christine@crobertslaw.net,
20 shelley@crobertslaw.net; Christine@crobertslaw.net; lynn@crobertslaw.net

21 CHRISTINE A ROBERTS on behalf of Interested Party INVESTORS COMMERCIAL
CAPITAL, LLC

Christine@crobertslaw.net,
22 shelley@crobertslaw.net; Christine@crobertslaw.net; lynn@crobertslaw.net

23 CHRISTINE A ROBERTS on behalf of Trustee WILLIAM A LEONARD

Christine@crobertslaw.net,
24 shelley@crobertslaw.net; Christine@crobertslaw.net; lynn@crobertslaw.net

25 JACOB J ROBERTS on behalf of Plaintiff USACM LIQUIDATING TRUST

jroberts@diamondmccarthy.com, cburrow@diamondmccarthy.com

26 STACY M. ROCHELEAU on behalf of Defendant NATIONAL REAL ESTATE HOLDINGS,
27 INC.

stacy@rocheleaulaw.com, karen@rightlawyers.com

28 STACY M. ROCHELEAU on behalf of Interested Party NATIONAL REAL ESTATE

1 HOLDINGS, INC.

2 stacy@rocheleaulaw.com, karen@rightlawyers.com

3 GREGORY M SALVATO on behalf of Attorney GREGORY M. SALVATO

4 Calendar@Salvatolawoffices.com,

5 gsalvato@salvatolawoffices.com; jboufadel@salvatolawoffices.com; gsalvato@ecf.inforuptcy.com

6 GREGORY M SALVATO on behalf of Defendant FERTITTA ENTERPRISES, INC.

7 Calendar@Salvatolawoffices.com,

8 gsalvato@salvatolawoffices.com; jboufadel@salvatolawoffices.com; gsalvato@ecf.inforuptcy.com

9 LENARD E. SCHWARTZER on behalf of Attorney SCHWARTZER AND MCPHERSON LAW
10 FIRM

11 bkfilings@s-mlaw.com

12 LENARD E. SCHWARTZER on behalf of Attorney STEVEN T. WATERMAN

13 bkfilings@s-mlaw.com

14 LENARD E. SCHWARTZER on behalf of Counter-Claimant USA COMMERCIAL
15 MORTGAGE COMPANY

16 bkfilings@s-mlaw.com

17 LENARD E. SCHWARTZER on behalf of Debtor USA CAPITAL DIVERSIFIED TRUST
18 DEED FUND, LLC

19 bkfilings@s-mlaw.com

20 LENARD E. SCHWARTZER on behalf of Debtor USA CAPITAL FIRST TRUST DEED FUND,
21 LLC

22 bkfilings@s-mlaw.com

23 LENARD E. SCHWARTZER on behalf of Debtor USA CAPITAL REALTY ADVISORS, LLC

24 bkfilings@s-mlaw.com

25 LENARD E. SCHWARTZER on behalf of Debtor USA COMMERCIAL MORTGAGE
26 COMPANY

27 bkfilings@s-mlaw.com

28 LENARD E. SCHWARTZER on behalf of Debtor USA SECURITIES, LLC

bkfilings@s-mlaw.com

LENARD E. SCHWARTZER on behalf of Defendant STANDARD PROPERTY
DEVELOPMENT, LLC

bkfilings@s-mlaw.com

LENARD E. SCHWARTZER on behalf of Defendant USA CAPITAL FIRST TRUST DEED

bkfilings@s-mlaw.com

LENARD E. SCHWARTZER on behalf of Defendant USA CAPITAL FIRST TRUST DEED
FUND, LLC

bkfilings@s-mlaw.com

LENARD E. SCHWARTZER on behalf of Defendant USA COMMERCIAL MORTGAGE
COMPANY

bkfilings@s-mlaw.com

LENARD E. SCHWARTZER on behalf of Jnt Admin Debtor USA CAPITAL DIVERSIFIED

1 TRUST DEED FUND, LLC
bkfilings@s-mlaw.com

2 LENARD E. SCHWARTZER on behalf of Jnt Admin Debtor USA CAPITAL FIRST TRUST
3 DEED FUND, LLC
bkfilings@s-mlaw.com

4 LENARD E. SCHWARTZER on behalf of Jnt Admin Debtor USA CAPITAL REALTY
5 ADVISORS, LLC
bkfilings@s-mlaw.com

6 LENARD E. SCHWARTZER on behalf of Jnt Admin Debtor USA SECURITIES, LLC
7 bkfilings@s-mlaw.com

8 LENARD E. SCHWARTZER on behalf of Plaintiff USA COMMERCIAL MORTGAGE
9 COMPANY
bkfilings@s-mlaw.com

10 MICHAEL J. SCHWARTZER on behalf of Creditor KUMMER KAEMPFER BONNER
11 RENSHAW & FERRARIO
jsmyth@kcnvlaw.com, jsmyth@kcnvlaw.com

12 BRIAN D. SHAPIRO on behalf of Interested Party MICHAEL W. CARMEL
brian@brianshapirolaw.com, connie@brianshapirolaw.com

13 JAMES PATRICK SHEA on behalf of Creditor Committee OFFICIAL COMMITTEE OF
14 EQUITY SECURITY HOLDERS OF USA CAPITAL FIRST TRUST DEED FUND, LLC
jshea@armstrongteasdale.com,
15 oharmon@armstrongteasdale.com; MGimenez@ArmstrongTeasdale.com

16 SHLOMO S. SHERMAN on behalf of Creditor Committee OFFICIAL COMMITTEE OF
17 EQUITY SECURITY HOLDERS OF USA CAPITAL FIRST TRUST DEED FUND, LLC
ssherman@klnevada.com,
18 bankruptcy@klnevada.com; mbarnes@klnevada.com; ssherman@ecf.inforuptcy.com; ssherman@ecf.inforuptcy.com

19 SHLOMO S. SHERMAN on behalf of Creditor Committee OFFICIAL COMMITTEE OF
20 EQUITY SECURITY HOLDERS OF USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC
ssherman@klnevada.com,
21 bankruptcy@klnevada.com; mbarnes@klnevada.com; ssherman@ecf.inforuptcy.com; ssherman@ecf.inforuptcy.com

22 SHLOMO S. SHERMAN on behalf of Creditor Committee OFFICIAL COMMITTEE OF
23 EXECUTORY CONTRACT HOLDERS OF USA COMMERCIAL MORTGAGE COMPANY
ssherman@klnevada.com,
24 bankruptcy@klnevada.com; mbarnes@klnevada.com; ssherman@ecf.inforuptcy.com; ssherman@ecf.inforuptcy.com

25 SHLOMO S. SHERMAN on behalf of Cross-Claimant WELLS FARGO BANK, N.A.
26 ssherman@klnevada.com,
27 bankruptcy@klnevada.com; mbarnes@klnevada.com; ssherman@ecf.inforuptcy.com; ssherman@ecf.inforuptcy.com

28 SHLOMO S. SHERMAN on behalf of Defendant OFFICIAL COMMITTEE OF EQUITY
SECURITY HOLDERS OF USA CAPITAL FIRST TRUST DEED FUND, LLC, the Authorized

1 Representative of USA CAPITAL FIRST TRUST DEED FUND, LLC in Adversary Proceeding
 No. 07-01150
 2 ssherman@klnevada.com,
bankruptcy@klnevada.com; mbarnes@klnevada.com; ssherman@ecf.inforruptcy.com; ssherman@ecf.inforruptcy.com

4 SHLOMO S. SHERMAN on behalf of Defendant USA CAPITAL FIRST TRUST DEED FUND,
 LLC
 5 ssherman@klnevada.com,
bankruptcy@klnevada.com; mbarnes@klnevada.com; ssherman@ecf.inforruptcy.com; ssherman@ecf.inforruptcy.com

7 SHLOMO S. SHERMAN on behalf of Defendant WELLS FARGO BANK, N.A.
 8 ssherman@klnevada.com,
bankruptcy@klnevada.com; mbarnes@klnevada.com; ssherman@ecf.inforruptcy.com; ssherman@ecf.inforruptcy.com

9 SHLOMO S. SHERMAN on behalf of Jnt Admin Debtor USA CAPITAL FIRST TRUST DEED
 10 FUND, LLC
 11 ssherman@klnevada.com,
bankruptcy@klnevada.com; mbarnes@klnevada.com; ssherman@ecf.inforruptcy.com; ssherman@ecf.inforruptcy.com

12 AMBRISH S. SIDHU on behalf of Creditor AMTRUST BANK
 13 ecfnotices@sidhulawfirm.com

14 AMBRISH S. SIDHU on behalf of Creditor TEMECULA PUBLIC FINANCE AUTHORITY
 15 ecfnotices@sidhulawfirm.com

16 AMBRISH S. SIDHU on behalf of Cross Defendant JAMES FEENEY
 17 ecfnotices@sidhulawfirm.com

18 AMBRISH S. SIDHU on behalf of Defendant FERTITTA ENTERPRISES, INC.
 19 ecfnotices@sidhulawfirm.com

20 AMBRISH S. SIDHU on behalf of Defendant JAMES FEENEY
 21 ecfnotices@sidhulawfirm.com

22 JEFFREY G. SLOANE on behalf of Creditor 401(K) PROFIT SHARING PLAN, LYNN
 KANTOR
 23 jeff@jsloanelaw.com, kristi@jsloanelaw.com

24 JEFFREY G. SLOANE on behalf of Creditor CITICORP VENDER FINANCE, INC. fka EAB
 LEASING CORP.
 25 jeff@jsloanelaw.com, kristi@jsloanelaw.com

26 JEFFREY G. SLOANE on behalf of Creditor GARY L. KANTON, M.D., TRUSTEE KANTOR
 NEPHROLOGY CONSULTANTS, LTD.
 27 jeff@jsloanelaw.com, kristi@jsloanelaw.com

28 JEFFREY G. SLOANE on behalf of Creditor LYNN KANTOR, IRA
 29 jeff@jsloanelaw.com, kristi@jsloanelaw.com

JEFFREY G. SLOANE on behalf of Creditor TRUSTEE OF KANTOR NEPHROLOGY
 CONSULTANTS, LTD
 30 jeff@jsloanelaw.com, kristi@jsloanelaw.com

1 JEFFREY G. SLOANE on behalf of Creditor G KANTOR
2 jeff@jsloanelaw.com, kristi@jsloanelaw.com

3 JEFFREY G. SLOANE on behalf of Creditor GARY KANTON
4 jeff@jsloanelaw.com, kristi@jsloanelaw.com

5 JEFFREY G. SLOANE on behalf of Creditor GARY L. KANTOR
6 jeff@jsloanelaw.com, kristi@jsloanelaw.com

7 JEFFREY G. SLOANE on behalf of Creditor LYNN KANTOR, IRA
8 jeff@jsloanelaw.com, kristi@jsloanelaw.com

9 ALAN R SMITH on behalf of Creditor LENDERS PROTECTION GROUP
10 mail@asmithlaw.com

11 ALAN R SMITH on behalf of Creditor DONNA CANGELOSI
12 mail@asmithlaw.com

13 ALAN R SMITH on behalf of Interested Party EVELYN ASHER SHEERIN, TRUSTEE FOR
14 THE BENEFIT OF THE CHRIS H. SHEERIN (DECEASED) AND EVELYN ASHER
15 SHEERIN 1984 TRUST DATED 5/31/84
16 mail@asmithlaw.com

17 ALAN R SMITH on behalf of Interested Party EVELYN ASHER SHERRIN, TRUSTEE OF
18 THE CHRIS AND EVELYN SHERRIN 1990 TRUST, AND SHERRINS INC.
19 mail@asmithlaw.com

20 ALAN R SMITH on behalf of Plaintiff 3685 SAN FERNANDO LENDERS, LLC
21 mail@asmithlaw.com

22 ALAN R SMITH on behalf of Plaintiff 5055 COLLWOOD LENDERS, LLC
23 mail@asmithlaw.com

24 ALAN R SMITH on behalf of Plaintiff 60TH STREET VENTURES LENDERS, LLC
25 mail@asmithlaw.com

26 ALAN R SMITH on behalf of Plaintiff 6425 GESS LENDERS, LLC
27 mail@asmithlaw.com

28 ALAN R SMITH on behalf of Plaintiff AMESBURY HATTERS PT LENDERS, LLC
29 mail@asmithlaw.com

30 ALAN R SMITH on behalf of Plaintiff ANCHOR B LENDERS, LLC
31 mail@asmithlaw.com

32 ALAN R SMITH on behalf of Plaintiff BAR-USA LENDERS, LLC
33 mail@asmithlaw.com

34 ALAN R SMITH on behalf of Plaintiff BAY POMPANO LENDERS, LLC
35 mail@asmithlaw.com

36 ALAN R SMITH on behalf of Plaintiff BINFORD LENDERS, LLC
37 mail@asmithlaw.com

38 ALAN R SMITH on behalf of Plaintiff BROOKMERE LENDERS, LLC

1 mail@asmithlaw.com

2 ALAN R SMITH on behalf of Plaintiff BUNDY CANYON 2.5 LENDERS, LLC
3 mail@asmithlaw.com

4 ALAN R SMITH on behalf of Plaintiff BUNDY CANYON 5.0 LENDERS, LLC
5 mail@asmithlaw.com

6 ALAN R SMITH on behalf of Plaintiff BUNDY CANYON 5.725 LENDERS, LLC
7 mail@asmithlaw.com

8 ALAN R SMITH on behalf of Plaintiff BUNDY CANYON 7.5 LENDERS, LLC
9 mail@asmithlaw.com

10 ALAN R SMITH on behalf of Plaintiff CABERNET LENDERS, LLC
11 mail@asmithlaw.com

12 ALAN R SMITH on behalf of Plaintiff CASTAIC II LENDERS, LLC
13 mail@asmithlaw.com

14 ALAN R SMITH on behalf of Plaintiff CASTAIC III LENDERS, LLC
15 mail@asmithlaw.com

16 ALAN R SMITH on behalf of Plaintiff CHARLEVOIX LENDERS, LLC
17 mail@asmithlaw.com

18 ALAN R SMITH on behalf of Plaintiff CLEAR CREEK PLANTATION LENDERS, LLC
19 mail@asmithlaw.com

20 ALAN R SMITH on behalf of Plaintiff COM VEST LENDERS, LLC
21 mail@asmithlaw.com

22 ALAN R SMITH on behalf of Plaintiff COPPER SAGE II LENDERS, LLC
23 mail@asmithlaw.com

24 ALAN R SMITH on behalf of Plaintiff CORNMANN TOLTEC LENDERS, LLC
25 mail@asmithlaw.com

26 ALAN R SMITH on behalf of Plaintiff DEVALLE LIVINGSTON LENDERS, LLC
27 mail@asmithlaw.com

28 ALAN R SMITH on behalf of Plaintiff EAGLE MEADOWS LENDERS, LLC
mail@asmithlaw.com

ALAN R SMITH on behalf of Plaintiff FIESTA MURIETTA LENDERS, LLC
mail@asmithlaw.com

ALAN R SMITH on behalf of Plaintiff FIESTA USA STONERIDGE LENDERS, LLC
mail@asmithlaw.com

ALAN R SMITH on behalf of Plaintiff FOXHILLS 216 LENDERS, LLC
mail@asmithlaw.com

ALAN R SMITH on behalf of Plaintiff GRAMERCY COURT LENDERS, LLC
mail@asmithlaw.com

3993 Howard Hughes Pkwy, Suite 600
Las Vegas, NV 89169-5996

Lewis Roca
ROTHGERBER CHRISTIE

1 ALAN R SMITH on behalf of Plaintiff HAVOR GEORGETOWN LENDERS, LLC
mail@asmithlaw.com

2 ALAN R SMITH on behalf of Plaintiff HESPERIA LENDERS, LLC
3 mail@asmithlaw.com

4 ALAN R SMITH on behalf of Plaintiff HFA CLEARLAKE I LENDERS, LLC
5 mail@asmithlaw.com

6 ALAN R SMITH on behalf of Plaintiff HFA CLEARLAKE II LENDERS, LLC
7 mail@asmithlaw.com

8 ALAN R SMITH on behalf of Plaintiff HUNTSVILLE LENDERS, LLC
9 mail@asmithlaw.com

10 ALAN R SMITH on behalf of Plaintiff LA HACIDENDA LENDERS, LLC
11 mail@asmithlaw.com

12 ALAN R SMITH on behalf of Plaintiff LAKE HELEN PARTNERS LENDERS, LLC
13 mail@asmithlaw.com

14 ALAN R SMITH on behalf of Plaintiff LERIN HILLS LENDERS, LLC
15 mail@asmithlaw.com

16 ALAN R SMITH on behalf of Plaintiff MARGARITA ANNEX LENDERS, LLC
17 mail@asmithlaw.com

18 ALAN R SMITH on behalf of Plaintiff MARLTON SQUARE I LENDERS, LLC
19 mail@asmithlaw.com

20 ALAN R SMITH on behalf of Plaintiff MARLTON SQUARE II LENDERS, LLC
21 mail@asmithlaw.com

22 ALAN R SMITH on behalf of Plaintiff MOUNTAIN HOUSE-PEGS LENDERS, LLC
23 mail@asmithlaw.com

24 ALAN R SMITH on behalf of Plaintiff OAK SHORES II, LENDERS, LLC
25 mail@asmithlaw.com

26 ALAN R SMITH on behalf of Plaintiff OCEAN ATLANTIC 2.75 LENDERS, LLC
27 mail@asmithlaw.com

28 ALAN R SMITH on behalf of Plaintiff OCEAN ATLANTIC 9.425 LENDERS, LLC
mail@asmithlaw.com

ALAN R SMITH on behalf of Plaintiff PALM HARBOR I LENDERS, LLC
mail@asmithlaw.com

ALAN R SMITH on behalf of Plaintiff SHAMROCK TOWER LENDERS, LLC
mail@asmithlaw.com

ALAN R SMITH on behalf of Plaintiff SO CAL LAND LENDERS, LLC
mail@asmithlaw.com

ALAN R SMITH on behalf of Plaintiff SVRB 2.325 LENDERS, LLC
mail@asmithlaw.com

3993 Howard Hughes Pkwy, Suite 600
Las Vegas, NV 89169-5996

Lewis Roca
ROTHGERBER CHRISTIE

ALAN R SMITH on behalf of Plaintiff SVRB 4.5 LENDERS, LLC
mail@asmithlaw.com

ALAN R SMITH on behalf of Plaintiff TAPIA RANCH LENDERS, LLC
mail@asmithlaw.com

ALAN R SMITH on behalf of Plaintiff TEN-NINETY 4.15 LENDERS, LLC
mail@asmithlaw.com

ALAN R SMITH on behalf of Plaintiff THE GARDENS 2.425 LENDERS, LLC
mail@asmithlaw.com

ALAN R SMITH on behalf of Plaintiff THE GARDENS LLC TSHR LENDERS, LLC
mail@asmithlaw.com

EDGAR C. SMITH on behalf of Creditor 3800 PRINCE STREET, LLC
esmith@wrightlegal.net,
nvbkfiling@wrightlegal.net; jcraig@wrightlegal.net; fharris@wrightlegal.net

ADAM M. STARR on behalf of Creditor MESIROW FINANCIAL INTERIM MANAGEMENT, LLC
adam@geniusotc.com

JEFFREY J STEFFEN on behalf of Defendant AURORA INVESTMENTS LP
jsteffen@lrlaw.com

DAVID A. STEPHENS on behalf of Creditor GATEWAY STONE ASSOCIATES, LLC
dstephens@sgblawfirm.com

DAVID A. STEPHENS on behalf of Creditor STANDARD PROPERTY DEVELOPMENT, LLC
dstephens@sgblawfirm.com

ELIZABETH E. STEPHENS on behalf of Interested Party WILLIAM A LEONARD, JR.
rudolph@sullivanhill.com; hill@sullivanhill.com; millerick@sullivanhill.com; dabbieri@sullivanhill.com; bkstaff@sullivanhill.com; stephens@ecf.courtdrive.com

ARIEL E. STERN on behalf of Interested Party BINFORD LENDERS, LLC
ariel.stern@akerman.com, Darren.brenner@akerman.com; akermanlas@akerman.com

PETER SUSI on behalf of Creditor BERNARD SANDLER
PSusi@hbsb.com

PETER SUSI on behalf of Creditor BERNIE SANDLER
PSusi@hbsb.com

PETER SUSI on behalf of Creditor CONNIE COBB
PSusi@hbsb.com

PETER SUSI on behalf of Creditor DAVID E. GACKENBACH
PSusi@hbsb.com

PETER SUSI on behalf of Creditor JAY S STEIN
PSusi@hbsb.com

PETER SUSI on behalf of Creditor ROBERT ROWLEY

1 PSusi@hbsb.com

2 PETER SUSI on behalf of Creditor ROBERT J. ROWLEY
3 PSusi@hbsb.com

4 PETER SUSI on behalf of Creditor SUSAN GACKENBACH
5 PSusi@hbsb.com

6 PETER SUSI on behalf of Interested Party MICHAELSON, SUSI & MICHAELSON
7 PSusi@hbsb.com

8 EDWARD PATRICK SWAN, JR on behalf of Defendant DAVID A FOGG
9 pswan@jonesday.com

10 ERIC W. SWANIS on behalf of Creditor MESIROW FINANCIAL INTERIM MANAGEMENT,
11 LLC
12 swanise@gtlaw.com, lvlitdock@gtlaw.com; jacksonsa@gtlaw.com

13 JEFFREY R. SYLVESTER on behalf of Counter-Claimant USA COMMERCIAL REAL
14 ESTATE GROUP
15 jeff@sylvesterpolednak.com, bridget@sylvesterpolednak.com; kellye@sylvesterpolednak.com

16 JEFFREY R. SYLVESTER on behalf of Creditor HASPINOV, LLC
17 jeff@sylvesterpolednak.com, bridget@sylvesterpolednak.com; kellye@sylvesterpolednak.com

18 JEFFREY R. SYLVESTER on behalf of Creditor JOSEPH D. MILANOWSKI 1998 TRUST
19 jeff@sylvesterpolednak.com, bridget@sylvesterpolednak.com; kellye@sylvesterpolednak.com

20 JEFFREY R. SYLVESTER on behalf of Creditor PECOS PROFESSIONAL PARK, LLC
21 jeff@sylvesterpolednak.com, bridget@sylvesterpolednak.com; kellye@sylvesterpolednak.com

22 JEFFREY R. SYLVESTER on behalf of Creditor USA COMMERCIAL REAL ESTATE
23 GROUP
24 jeff@sylvesterpolednak.com, bridget@sylvesterpolednak.com; kellye@sylvesterpolednak.com

25 JEFFREY R. SYLVESTER on behalf of Creditor JOSEPH D. MILANOWSKI
26 jeff@sylvesterpolednak.com, bridget@sylvesterpolednak.com; kellye@sylvesterpolednak.com

27 JEFFREY R. SYLVESTER on behalf of Creditor Joseph Milanowski Trustee Joseph D.
28 Milanowski 1998 Trust
29 jeff@sylvesterpolednak.com, bridget@sylvesterpolednak.com; kellye@sylvesterpolednak.com

30 JEFFREY R. SYLVESTER on behalf of Defendant USA COMMERCIAL REAL ESTATE
31 GROUP
32 jeff@sylvesterpolednak.com, bridget@sylvesterpolednak.com; kellye@sylvesterpolednak.com

33 James E Shapiro on behalf of Defendant SALVATORE J REALE
34 jshapiro@smithshapiro.com, jberghammer@smithshapiro.com

35 KAARAN E. THOMAS on behalf of Defendant BINGHAM MCCUTCHEN, LLP
36 kthomas@mcdonaldcarano.com

37 KAARAN E. THOMAS on behalf of Defendant TANAMERA RESORT PARTNERS, LLC
38 kthomas@mcdonaldcarano.com

39 KAARAN E. THOMAS on behalf of Interested Party KREG ROWE

1 kthomas@mcdonaldcarano.com

2 KAARAN E THOMAS (lv) on behalf of Interested Party B & L INVESTMENTS, INC.
3 mmorton@mcdonaldcarano.com

4 KAARAN E THOMAS (lv) on behalf of Interested Party CABERNET HIGHLANDS, LLC
5 mmorton@mcdonaldcarano.com

6 KAARAN E THOMAS (lv) on behalf of Interested Party CAUGHLIN CLUB MANAGEMENT
7 PARTNERS, LLC
8 mmorton@mcdonaldcarano.com

9 KAARAN E THOMAS (lv) on behalf of Interested Party CAUGHLIN CLUB REAL PROPERTY
10 INVESTORS, LLC
11 mmorton@mcdonaldcarano.com

12 KAARAN E THOMAS (lv) on behalf of Interested Party CCRE INVESTORS, LLC
13 mmorton@mcdonaldcarano.com

14 KAARAN E THOMAS (lv) on behalf of Interested Party CHARDONNAY VILLAGE
15 INVESTORS, LLC
16 mmorton@mcdonaldcarano.com

17 KAARAN E THOMAS (lv) on behalf of Interested Party CLASSIC RESIDENCES, LLC
18 mmorton@mcdonaldcarano.com

19 KAARAN E THOMAS (lv) on behalf of Interested Party COMSTOCK VILLAGE INVESTORS,
20 LLC
21 mmorton@mcdonaldcarano.com

22 KAARAN E THOMAS (lv) on behalf of Interested Party DDH FINANCIAL CORP.
23 mmorton@mcdonaldcarano.com

24 KAARAN E THOMAS (lv) on behalf of Interested Party DIAMOND VILLAGE INVESTORS 1
25 & 12, LLC
26 mmorton@mcdonaldcarano.com

27 KAARAN E THOMAS (lv) on behalf of Interested Party DIAMOND VILLAGE INVESTORS
28 11, LLC
29 mmorton@mcdonaldcarano.com

30 KAARAN E THOMAS (lv) on behalf of Interested Party DOUBLE DIAMOND HOMES, LLC
31 mmorton@mcdonaldcarano.com

32 KAARAN E THOMAS (lv) on behalf of Interested Party DOUBLE DIAMOND
33 MANAGEMENT COMPANY, LLC
34 mmorton@mcdonaldcarano.com

35 KAARAN E THOMAS (lv) on behalf of Interested Party EMIGH INVESTMENTS, LLC
36 mmorton@mcdonaldcarano.com

37 KAARAN E THOMAS (lv) on behalf of Interested Party EQUUS MANAGEMENT GROUP,
38 INC.
39 mmorton@mcdonaldcarano.com

40 KAARAN E THOMAS (lv) on behalf of Interested Party FOOTHILL COMMERCE CENTER,

1 LLC

mmorton@mcdonaldcarano.com

2 KAARAN E THOMAS (lv) on behalf of Interested Party HOMEWOOD VILLAGE INVESTORS
3 I, LLC

mmorton@mcdonaldcarano.com

4 KAARAN E THOMAS (lv) on behalf of Interested Party LA HACIENDA LAND INVESTORS,
5 INC.

mmorton@mcdonaldcarano.com

6 KAARAN E THOMAS (lv) on behalf of Interested Party LONGLEY PROFESSIONAL
7 CAMPUS, LLC

mmorton@mcdonaldcarano.com

8 KAARAN E THOMAS (lv) on behalf of Interested Party LONGLEY TOWN CENTRE, LLC

mmorton@mcdonaldcarano.com

10 KAARAN E THOMAS (lv) on behalf of Interested Party MINERS VILLAGE INVESTORS,
11 LLC

mmorton@mcdonaldcarano.com

12 KAARAN E THOMAS (lv) on behalf of Interested Party MONTICELLO INVESTORS, LLC

mmorton@mcdonaldcarano.com

13 KAARAN E THOMAS (lv) on behalf of Interested Party MOUNTAINVIEW CAMPUS
14 INVESTORS, LLC

mmorton@mcdonaldcarano.com

15 KAARAN E THOMAS (lv) on behalf of Interested Party MP TANAMERA, LLC

mmorton@mcdonaldcarano.com

16 KAARAN E THOMAS (lv) on behalf of Interested Party PIONEER VILLAGE INVESTORS,
17 LLC

mmorton@mcdonaldcarano.com

18 KAARAN E THOMAS (lv) on behalf of Interested Party PRESERVE AT GALLERIA, LLC

mmorton@mcdonaldcarano.com

19 KAARAN E THOMAS (lv) on behalf of Interested Party RENO CORPORATE CENTER, LLC

mmorton@mcdonaldcarano.com

20 KAARAN E THOMAS (lv) on behalf of Interested Party RENO DESIGN CENTER, LLC

mmorton@mcdonaldcarano.com

21 KAARAN E THOMAS (lv) on behalf of Interested Party ROWE FAMILY TRUST

mmorton@mcdonaldcarano.com

22 KAARAN E THOMAS (lv) on behalf of Interested Party RTTC COMMUNICATIONS, LLC

mmorton@mcdonaldcarano.com

23 KAARAN E THOMAS (lv) on behalf of Interested Party SANDHILL BUSINESS CAMPUS,
24 LLC

mmorton@mcdonaldcarano.com

25 KAARAN E THOMAS (lv) on behalf of Interested Party SIERRA VISTA INVESTORS, LLC

mmorton@mcdonaldcarano.com

KAARAN E THOMAS (lv) on behalf of Interested Party SOUTH MEADOWS COMMERCIAL PROPERTY, LLC

mmorton@mcdonaldcarano.com

KAARAN E THOMAS (lv) on behalf of Interested Party SOUTH MEADOWS OFFICE INVESTORS, LLC

mmorton@mcdonaldcarano.com

KAARAN E THOMAS (lv) on behalf of Interested Party SPARKS GALLERIA INVESTORS II, LLC

mmorton@mcdonaldcarano.com

KAARAN E THOMAS (lv) on behalf of Interested Party SPARKS GALLERIA INVESTORS, LLC

mmorton@mcdonaldcarano.com

KAARAN E THOMAS (lv) on behalf of Interested Party TANAMERA COMMERCIAL DEVELOPMENT, LLC

mmorton@mcdonaldcarano.com

KAARAN E THOMAS (lv) on behalf of Interested Party TANAMERA CORPORATE CENTER, LLC

mmorton@mcdonaldcarano.com

KAARAN E THOMAS (lv) on behalf of Interested Party TANAMERA DEVELOPMENT LLC

mmorton@mcdonaldcarano.com

KAARAN E THOMAS (lv) on behalf of Interested Party TANAMERA HOMES, LLC

mmorton@mcdonaldcarano.com

KAARAN E THOMAS (lv) on behalf of Interested Party TANAMERA RESORT PARTNERS, LLC

mmorton@mcdonaldcarano.com

KAARAN E THOMAS (lv) on behalf of Interested Party TCD FINANCIAL CORP.

mmorton@mcdonaldcarano.com

KAARAN E THOMAS (lv) on behalf of Interested Party TCD LAND INVESTMENTS, LLC

mmorton@mcdonaldcarano.com

KAARAN E THOMAS (lv) on behalf of Interested Party THE MEADOWS INVESTORS, LLC

mmorton@mcdonaldcarano.com

KAARAN E THOMAS (lv) on behalf of Interested Party THE VINEYARD INVESTORS, LLC

mmorton@mcdonaldcarano.com

KAARAN E THOMAS (lv) on behalf of Interested Party VINEYARD HIGHLANDS, LLC

mmorton@mcdonaldcarano.com

KAARAN E THOMAS (lv) on behalf of Interested Party VINEYARD PROFESSIONAL CAMPUS, LLC

mmorton@mcdonaldcarano.com

KAARAN E THOMAS (lv) on behalf of Interested Party WATERFORD PARTNERS, LLC

3993 Howard Hughes Pkwy, Suite 600
Las Vegas, NV 89169-5996

Lewis Roca
ROTHGERBER CHRISTIE

mmorton@mcdonaldcarano.com

KAARAN E THOMAS (lv) on behalf of Interested Party WYNDGATE PARTNERS II, LLC
mmorton@mcdonaldcarano.com

KAARAN E THOMAS (lv) on behalf of Interested Party WYNDGATE VILLAGE INVESTORS, LLC
mmorton@mcdonaldcarano.com

KAARAN E THOMAS (lv) on behalf of Interested Party BRETT SEABERT
mmorton@mcdonaldcarano.com

KAARAN E THOMAS (lv) on behalf of Interested Party JOE LOPEZ
mmorton@mcdonaldcarano.com

KAARAN E THOMAS (lv) on behalf of Interested Party KRAIG KNUDSEN
mmorton@mcdonaldcarano.com

KAARAN E THOMAS (lv) on behalf of Interested Party KREG ROWE
mmorton@mcdonaldcarano.com

KAARAN E THOMAS (lv) on behalf of Interested Party MICHAEL EFSTRATIS
mmorton@mcdonaldcarano.com

ROLLIN G. THORLEY on behalf of Creditor IRS
rollin.g.thorley@irs.counsel.treas.gov

LISA SHEAUFENG TSAI on behalf of Plaintiff USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC
lsai@rctlegal.com,
tstone@rctlegal.com; jbruckerhoff@rctlegal.com; mmyers@rctlegal.com; kvomacka@rctlegal.com

LISA SHEAUFENG TSAI on behalf of Plaintiff USA CAPITAL FIRST TRUST DEED FUND, LLC
lsai@rctlegal.com,
tstone@rctlegal.com; jbruckerhoff@rctlegal.com; mmyers@rctlegal.com; kvomacka@rctlegal.com

LISA SHEAUFENG TSAI on behalf of Plaintiff USACM LIQUIDATING TRUST
lsai@rctlegal.com,
tstone@rctlegal.com; jbruckerhoff@rctlegal.com; mmyers@rctlegal.com; kvomacka@rctlegal.com

U.S. TRUSTEE - LV - 11, 11
USTPRegion17.lv.ecf@usdoj.gov

MICHAEL C. VAN on behalf of Creditor DEAN SHACKLEY
michael@shumwayvan.com,
rebekah@shumwayvan.com; samuel@shumwayvan.com; dawn@shumwayvan.com

GREGORY J. WALCH on behalf of Creditor GREGORY J. WALCH
GWalch@Nevadafirm.com

GREGORY J. WALCH on behalf of Creditor SHAUNA M. WALCH
GWalch@Nevadafirm.com

GREGORY J. WALCH on behalf of Plaintiff GREGORY J WALCH
GWalch@Nevadafirm.com

GREGORY J. WALCH on behalf of Plaintiff SHAUNA M. WALCH
GWalch@Nevadafirm.com

RUSSELL S. WALKER on behalf of Creditor USA INVESTMENT PARTNERS, LLC
rwalker@wklawpc.com, eloveridge@wklawpc.com; ckirk@wklawpc.com; tgrover@wklawpc.com

RUSSELL S. WALKER on behalf of Creditor JOSEPH D. MILANOWSKI
rwalker@wklawpc.com, eloveridge@wklawpc.com; ckirk@wklawpc.com; tgrover@wklawpc.com

RUSSELL S. WALKER on behalf of Creditor THOMAS HANTGES
rwalker@wklawpc.com, eloveridge@wklawpc.com; ckirk@wklawpc.com; tgrover@wklawpc.com

RUSSELL S. WALKER on behalf of Defendant HMA SALES LLC
rwalker@wklawpc.com, eloveridge@wklawpc.com; ckirk@wklawpc.com; tgrover@wklawpc.com

WHITNEY B. WARNICK on behalf of Creditor MICHAEL and CAROL HEDLUND
wbw@albrightstoddard.com, cgrey@albrightstoddard.com; bclark@albrightstoddard.com

WHITNEY B. WARNICK on behalf of Interested Party ALBRIGHT, STODDARD, WARNICK
& PALMER
wbw@albrightstoddard.com, cgrey@albrightstoddard.com; bclark@albrightstoddard.com

KIRBY R WELLS on behalf of Defendant JAMES FEENEY
SMartinez@wellsrawlings.com

GREGORY L. WILDE on behalf of Creditor SIERRA LIQUIDITY FUND, LLC
nvbk@tblaw.com, gwaring@tblaw.com; awarner@tblaw.com

GREGORY L. WILDE on behalf of Interested Party SIERRA LIQUIDITY FUND, LLC.
nvbk@tblaw.com, gwaring@tblaw.com; awarner@tblaw.com

KATHERINE M. WINDLER on behalf of Plaintiff ASSET RESOLUTION LLC
kwindler@verizon.net

KATHERINE M. WINDLER on behalf of Plaintiff SILAR ADVISORS, LP
kwindler@verizon.net

KATHERINE M. WINDLER on behalf of Plaintiff SILAR SPECIAL OPPORTUNITIES FUND,
LP
kwindler@verizon.net

KATHERINE M. WINDLER on behalf of Respondent ASSET RESOLUTION LLC
kwindler@verizon.net

KATHERINE M. WINDLER on behalf of Respondent SILAR ADVISORS, LP
kwindler@verizon.net

KATHERINE M. WINDLER on behalf of Respondent SILAR SPECIAL OPPORTUNITIES
FUND, LP
kwindler@verizon.net

BRENOCH R WIRTHLIN on behalf of Defendant AURORA INVESTMENTS LP
bwirthli@fclaw.com, jayala@fclaw.com

RYAN J. WORKS on behalf of Defendant BINGHAM MCCUTCHEN, LLP

rworks@mcdonaldcarano.com, kkirn@mcdonaldcarano.com; bgrubb@mcdonaldcarano.com

RYAN J. WORKS on behalf of Defendant DAVID A FOGG

rworks@mcdonaldcarano.com, kkirn@mcdonaldcarano.com; bgrubb@mcdonaldcarano.com

RYAN J. WORKS on behalf of Other Prof. Eugene Buckley

rworks@mcdonaldcarano.com, kkirn@mcdonaldcarano.com; bgrubb@mcdonaldcarano.com

MICHAEL YODER on behalf of Creditor Committee OFFICIAL COMMITTEE OF UNSECURED CREDITORS FOR USA COMMERCIAL MORTGAGE COMPANY

myoder@diamondmccarthy.com, cburrow@diamondmccarthy.com

MICHAEL YODER on behalf of Debtor USA COMMERCIAL MORTGAGE COMPANY

myoder@diamondmccarthy.com, cburrow@diamondmccarthy.com

MICHAEL YODER on behalf of Defendant USA COMMERCIAL MORTGAGE COMPANY

myoder@diamondmccarthy.com, cburrow@diamondmccarthy.com

MICHAEL YODER on behalf of Interested Party USACM LIQUIDATING TRUST

myoder@diamondmccarthy.com, cburrow@diamondmccarthy.com

MICHAEL YODER on behalf of Plaintiff USA CAPITAL DIVERSIFIED TRUST DEED FUND LLC

myoder@diamondmccarthy.com, cburrow@diamondmccarthy.com

MICHAEL YODER on behalf of Plaintiff USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC

myoder@diamondmccarthy.com, cburrow@diamondmccarthy.com

MICHAEL YODER on behalf of Plaintiff USACM LIQUIDATING TRUST

myoder@diamondmccarthy.com, cburrow@diamondmccarthy.com

MATTHEW C. ZIRZOW on behalf of Creditor BUCKALEW TRUST

mzinzow@lzklegal.com, carey@lzklegal.com; mary@lzklegal.com; trish@lzklegal.com

MATTHEW C. ZIRZOW on behalf of Creditor KEVIN J. HIGGINS & ANA MARIE HIGGINS FAMILY TRUST

mzinzow@lzklegal.com, carey@lzklegal.com; mary@lzklegal.com; trish@lzklegal.com

MATTHEW C. ZIRZOW on behalf of Creditor Committee OFFICIAL COMMITTEE OF EXECUTORY CONTRACT HOLDERS OF USA COMMERCIAL MORTGAGE COMPANY

mzinzow@lzklegal.com, carey@lzklegal.com; mary@lzklegal.com; trish@lzklegal.com

MATTHEW C. ZIRZOW on behalf of Creditor Committee OFFICIAL COMMITTEE OF HOLDERS EXECUTORY CONTRACT RIGHTS THRU USA COMMERCIAL MTG CO

mzinzow@lzklegal.com, carey@lzklegal.com; mary@lzklegal.com; trish@lzklegal.com

MATTHEW C. ZIRZOW on behalf of Defendant FERTITTA ENTERPRISES, INC.

mzinzow@lzklegal.com, carey@lzklegal.com; mary@lzklegal.com; trish@lzklegal.com

☐ **b. United States mail, postage fully prepaid**
(List persons and addresses. Attach additional paper if necessary)

☐ **c. Personal Service** (List persons and addresses. Attach additional paper if necessary)

3993 Howard Hughes Pkwy, Suite 600
Las Vegas, NV 89169-5996

Lewis Roca
ROTHGERBER CHRISTIE

I personally delivered the document(s) to the persons at these addresses:

☐

For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

☐

For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place or abode with someone of suitable age and discretion residing there.

☐

d. By direct email (as opposed to through the ECF System)

(List persons and email addresses. Attach additional paper if necessary)

Based upon the written agreement of the parties to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐

e. By fax transmission (List persons and fax numbers. Attach additional paper if necessary)

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

☐

f. By messenger (List persons and addresses. Attach additional paper if necessary)

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service. *(A declaration by the messenger must be attached to this Certificate of Service).*

I declare under penalty of perjury that the foregoing is true and correct.

Signed on May 31, 2018

Renee L. Creswell

(NAME OF DECLARANT)

Renee L. Creswell

(SIGNATURE OF DECLARANT)